the weekly
Standard

JULY 20, 1998 $3.50

THE CNN MELTDOWN
ERIC FELTEN

There's one small problem with the crusade against teen smoking—

IT'S MAKING THINGS WORSE

JOHN E. CALFEE • DENNIS PRAGER

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the weekly Standard

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Newt's Labor Pains

One month ago, House speaker Newt Gingrich responded to the National Right to Work Committee's questionnaire for congressional candidates. The first question was: Would he "co-sponsor and seek roll-call votes on legislation to repeal the provisions in federal laws which authorize compulsory union dues?" Gingrich said "yes."

But, a few days later Newt said just the opposite in a letter. As much as he likes the legislation, Gingrich declared, it "does not have the support necessary to pass in the House, and it would be foolish to schedule a vote that is sure to fail."

What's going on here? It certainly wasn't the can't-pass litmus test that prompted Gingrich—and Majority Leader Dick Armey—to refuse to bring the right-to-work bill to the floor. When James Dobson of Focus on the Family came to Washington and leaned on congressional Republicans, they quickly knuckled under and agreed to take up a series of bills favored by social conservatives, some of which have no chance of passage. And when business groups landed on Republicans for slighting their agenda, Gingrich hastily promised to push for a capital-gains tax cut, most-favored-nation trading status for China, renewed IMF funding, and fast-track trade legislation. Of course, fast track won't pass and IMF funds are iffy.

So why the double standard? The answer is that Gingrich and GOP leaders meekly respond to pressure, and the National Right to Work Committee hasn't yet exerted as much as Dobson and the business community.

It soon may, however. The committee has collected 550,000 signatures on a petition demanding a vote on the bill, and it's planning TV ads. It's also adept at flooding Congress with telephone calls from right-to-work advocates.

The committee has no illusions about winning a vote this year. It simply wants a recorded vote so it can target those who back compulsory unionism. Some of them are moderate Republicans, whom Gingrich and Armey would like to protect. Armey wants their votes in his race to succeed Gingrich as speaker. In that vein, he suggested a solution to the right-to-workers. Get Appropriations Committee chairman Bob Livingston to attach the bill to a spending measure. Livingston is Armey's chief rival for speaker and doesn't want to alienate moderates either.

It's hard to see why Republicans are so worried. The issue—banning coercive union membership and dues—is a popular one. And the right-to-work committee is influential with the party's conservative base. Why not a vote?

Margaret Carlson's Competition

"Sex wasn't on my mind when I sat down across from the president," writes the reporter Nina Burleigh in an article in this month's *Mirabella* magazine. Notwithstanding the implausibility of these words—who can sit across from the president these days and *not* think about sex?—her words have earned her eternal fame in the annals of Washington journalism. Nina (having read her article, The Scrapbook feels we're on a first-name basis) is a former White House correspondent for *Time* magazine, and her *Mirabella* article describes a game of hearts (literally and metaphorically) that she played with Bill Clinton on Air Force One. Let her tell the tale:

"When I got up and shook his hand at the end of the game, his eyes wandered over my bike-wrecked, naked legs. And slowly it dawned on me as I walked away: He found me attractive. . . . I felt incandescent. It was riveting to know that the President had appreciated my legs, scarred as they were. If he had asked me to continue the game of hearts back in his room at the Holiday Inn, I would have been happy to go there and see what happened. . . . It took several hours and a few drinks in the steaming and now somehow romantic Arkansas night to shake the intoxicated state in which I had been quite willing to let myself be ravished by the President, should he have but asked."

Actually, Nina hasn't yet shaken that "intoxicated state." Just last week she told the *Washington Post* that

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she would be happy to "give the president [oral sex] just to thank him for keeping abortion legal." Wow. What does he get for the child-care bill?

The Tripp Files

Long ago, in March, the Pentagon promised a report on its disclosure of information from Linda Tripp's confidential security file to the media. By the time the middle of June rolled around, Congress had gotten restless. Gerald Solomon, chairman of the House Rules Committee, demanded to know when the Pentagon report would be issued. "By July 9," came the reply.

Well, July 9 came and went, and still the Pentagon's inspector general had issued no report. When, on July 10, Solomon demanded an explanation, he got a one-sentence middle finger in the face: "The inquiry is ongoing and a report will be issued at the time it is completed."

Solomon was not pleased, and he vowed to take up the issue immediately with defense secretary Bill Cohen. Linda Tripp's privacy was violated in a flagrant, inexcusable, and—most to the point—illegal way. The events of that violation took no more than a few hours. Yet the Pentagon's investigation is now entering its fifth month.

As we noted back in May, Bill Clinton, in his first press conference as president-elect, responded forcefully to the Bush administration's misuse of confidential records: "If I catch anybody doing it, I will fire them the next day. You won't have to have an inquiry or rigmarole or anything else."

What we have here, it appears, is a phony inquiry, a lot of rigmarole, and a cover-up. So we wait for answers. And wait.

Showbiz McCain

Among Republican presidential candidates, John McCain looks to have the inside lane for winning the support of that scarce but highly sought after constituency, the Hollywood celebrity Republican.

The Scrapbook is in receipt of an invitation to "an intimate gathering with a real, live American Hero, Senator John McCain," who "with our help will be our next president." The event, which The Scrapbook sadly was unable to attend, was scheduled to be held on Sunday, July 12, at the Los Angeles home of Connie Stevens, whose many TV and screen credits include *Dragstrip Riot*, *Hawaiian Eye*, *Love's Savage Fury*, and (Scrapbook's personal fave) *Bring Me the Head of Dobie Gillis*.

The invitation helpfully notes that any leftover contributions to the McCain for Senate '98 Committee "may be transferred to the McCain for President 2000 Committee."

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Casual

Drinks with Doc and Dolly

Newsgathering by nature is the province of voyeurs and jacklegs. It is best practiced by grifters whose conscience seldom hinders them from separating marks from their secrets. My conscience suffered a rare flare-up last February.

In the thick of scandal season, I had trained my attention on Dolly Kyle Browning, the Dallas real-estate lawyer and high-school sweetheart of Bill Clinton who alleges a 30-year affair ending in 1992. Though Clinton denied their relationship under oath in the Paula Jones case, Dolly has detailed their respective sex addictions (she's in recovery, he's not) in her *roman à clef*, *Purposes of the Heart*, for sale at www.deardolly.com in hardcover leatherette. Dolly's third husband, Doc, a prep-school athletic trainer, is her publisher, and she says the Holy Spirit is her agent (replacing Lucianne Goldberg).

My aim was to rescue Dolly's then-sealed Paula Jones deposition from her custody. Though she resisted my entreaties, our rapport was immediate. Dolly's a Baptist. I'm a Baptist. She has a story to tell. I tell stories. She's a statuesque blonde. I love statuesque blondes. She describes her irises as "sea-mist green." I enjoy water sports.

Unable to persuade Dolly to violate the court's order, I did the unpardonable: I asked Dolly to reflect prayerfully, to seek divine guidance, and to take my Fed-Ex number in the event that Heaven prompted her to overnight me her deposition. I felt reptilian. I had prostituted my faith. I was so ashamed that, had Dolly relented by providing a copy on condition that I wash her feet in the river Jordan while singing "Beulah Land" in tongues, I'd have been on the next plane to Israel with my hip waders and a Kinko's card.

But Dolly didn't budge. Doc warned me that she wouldn't: "You don't know Dolly." "Do any of us *really* know Dolly?" I sassed. Doc assured me he did, as he belted out a revamped lyric to "If You Knew Suzie": "If you knew Dolly, like I know Dolly, oh, oh, what a . . ." I made a mental note to refrain from knowing either of them.

That resolution lasted until they rang me a few weeks ago to join them for drinks at the Baltimore Hilton. Call Dolly what you will, she's a lady, not a bimbo. Though she flashes purple skivvies in her see-through novel ("his fingers sought the softness beneath her clothes"), she refrains from elaborating on the ugly particulars in conversation: She is mute on whether the president's musket aims easterly. She avoids discussing the time Clinton grew so excited during one of their romps in his Buick that he—how to put it—planted his flag before reaching the summit. She even refuses to relive her one-night tryst with Roger Clinton. (Wouldn't you?)

Stymied, I turned to Doc. It is often rewarding to study the spouse of the one caught up in scandal—to try to read the perpetual cuckold whose identity is drawn from his wife's interplay with the president's executive branch. That is why, a few years ago at a Gennifer Flowers book-signing, I shadowed her husband, Finis Shelnut, who beamed with paternal pride as moist-mitted autograph hounds converged in a hormone stew around the woman who revealed that she and Clinton had pet names for each other's privates (hers "Precious," his "Willard").

Everyone has his own reasons for enduring such disclosures (Finis exhibited his rather bluntly when he asked, when negotiating an interview, "Do you pay?"). Doc is actually convinced Dolly's book is a literary masterpiece, a supple weave of Grand Themes like grace and redemption—never mind that his beloved gets diddled three ways to Sunday. Doc's identity isn't fashioned from reflected glory. He isn't just the guy whose future wife scored with the future president. He's his own man, Dolly brags. He plays the harmonica, has climbed the 46 peaks of the Adirondacks, and bakes the "world's finest ginger cookies." The secret ingredient, Doc tells me as I dip one in my White Russian, "is love." More impressive, Doc once held the world record for most free throws made in a 24-hour period (16,338).

This last feat makes me forget Dolly altogether, as Doc relates his Guinness-record-setting marathon: He tore his supinator, hallucinated from fatigue, and while standing over the urinal after 22 hours, thought he'd die while enjoying "the last piss I'd ever take." I myself have always been a middling free-throw shooter: squaring my feet, picking my spot on the rim, snapping my shot with the limp-wristed follow-through of a backup dancer in a Peter Allen kickline. But when I displayed my form in the hotel bar, Doc told me I had elbow drift and needed to align my forearm with the basket.

I never did get a story from Dolly—and considering my sacrilege, didn't deserve one. But Dolly's agent is both merciful and benevolent. For the first time ever, I'm shooting 75 percent from the line.

Matt Labash

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President McCain?

There is no question that Sen. John McCain is a man of great courage and character (Andrew Ferguson, "The Media's Favorite Republican," July 6/July 13). Yet what if he is also a very shrewd man? Suppose he decided that to be president, he would have to gain the support of the vast, vapid middle without giving up very much of anything on the right? The middle includes moderates, the liberal media that are always on the lookout for an acceptably civilized Republican, and the soccer moms whose lonely eyes scan the desultory horizon for a man who is sensitive and nice.

After the Clinton presidency, imagine what a load off it would be to have a president who doesn't have to formulate linguistic jujitsu to justify oral sex with interns. Or, for that matter, a candidate who does not judge right from wrong based on whether there is a "controlling legal authority."

Perhaps McCain sees that such a candidate would exhibit no strongly held opinions such as would leave him open to attack from the left. To elevate his national profile, such a candidate would do something like introduce campaign-finance reform with a Democratic senator so as to demonstrate the sweet virtues of bipartisanship. He would propose tobacco legislation knowing that it would eventually be killed by the greed of liberals and the poison-pill amendments of other opponents.

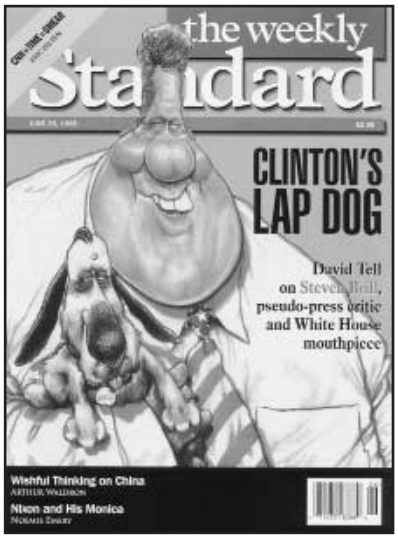
In the wake of these inevitable failures, he would emerge as a moderate Republican, a sensible Republican—not a dangerous, threatening Republican.

What if McCain possesses such perspicuousness? What if he really is running to the mushy middle with the intent to govern to the right? Too good to be true? Probably. Or is he in the early stages of coming out of the closet as a flaming, raging Jimmy Carter? It's a possibility.

John Clark Salyer
Sterling, VA

Andrew Ferguson points to a disturbing tendency among some conservatives to impose rigid ideological litmus tests. This ill serves a movement that seeks majority status. Let's be clear: Sen. John McCain has proven over a 16-year congressional career that he is a conservative by any meaningful standard. Sure, he has deviated from the party line on occasion. But his independence makes him perhaps the most attractive conservative candidate for president.

Moreover, I would argue that he has demonstrated his conservative credentials in a far more profound way than his potential opponents for the Republican nomination in 2000. Lip service is easy. Talking tough is facile. But, unlike others, when his country called, McCain served with incredible



valor. That trumps any armchair litmus test, in my book.

Marshall Wittmann
Silver Spring, MD

A People of Paradox

The Weekly Standard has helped to shed light on Americans' confusion over the fundamental ethical questions of birth, death, and the health of body and soul.

As Christopher Stump points out ("Prayer with Their Prozac," July 6/July 13), Americans are seeking to have their religious beliefs incorporated in their health care. At the same time, they are disregarding centuries of Christian and Jewish religious teachings in their macabre celebration of Dr. Jack Kevorkian. Paradoxically, Americans are expressing revulsion over partial-birth-abortion procedures while countenancing, as Wesley J. Smith notes, Kevorkian's "increasingly gruesome killing spree" ("The Serial Killer as Folk Hero," July 6/July 13). Yet in the final analysis, Americans, at once religious and libertarian in their beliefs, may decide that assisted suicide and partial-birth abortion are "freedoms" they don't want revoked.

With so little agreement on the basic questions of life and death, it is small wonder that there are so few moral voices left to point out the appalling nature of these "freedoms." What has become of our nation's moral arsenal?

David Chaim Alan
Washington, DC

Brill's Swill

Thank you to David Tell for setting the record straight on *Brill's Content* ("Bill Clinton's Lap Dog," June 29). I received my premiere issue of the magazine just as Kenneth Starr was responding to the now-infamous article "Pressgate." I have to admit that I was impressed with the new publication, perceiving its non-political stories to be informative and objectively written. That perception lasted until I read the Starr/Lewinsky/Tripp "exposé." Suddenly, objectivity was no longer in sight.

The tenor of Brill's essay made it clear that the president couldn't have found a better apologist for his behavior if he had paid for one. The world Brill has created is populated with sinister journalists and government employees and their associates, all of whom are out to get the president. What seems to be lost in the mess is the president's unwillingness to come clean about yet another scandal in which he is the central character. How could a magazine that calls itself the "independent voice of the information age" so blatantly take on the role of presidential defender?

Brill's Content would have better served its readership by holding itself to its self-imposed standard of independence. Otherwise, it should trumpet its bias without shame. The Weekly Standard and many other fine publications do that quite well. One thing

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Brill has definitely accomplished is getting publicity for his magazine. It may have been hypocritical journalism, but it was an excellent example of successful marketing.

GREGORY GIORDANO
NEW PORT RICHEY, FL

GOLDWATER'S TEETOTALER

Your magazine is a constant source of excellence in news and feature writing. I know my life would have a hole in it should you ever cease publishing.

Now comes the caveat: I refer to Robert D. Novak's fine article "Barry and Me" (June 15). In an otherwise solid piece of writing, Novak made an error regarding who was in Sen. Goldwater's suite after all other guests had departed. Present were the senator, Novak, and me—and I was as abstinent then as I am now.

At a late hour, I escorted Novak to the elevator to keep him from wandering the halls, and pushed the button for his room floor. Then I returned to Goldwater's suite, talked clearly of the morrow, and retired to my adjacent room.

Of course, Novak was young then, and he assumed everyone had imbibed as much as he did and would, like him, have a hangover.

Regarding the following morning, Novak is in error again. He read his condition as being everyone else's. Sen. Goldwater was up at the appointed time, as he always had been from the beginning of the 1964 campaign.

With all due respect, it is possible Novak may have played one-upmanship with his fellow reporters and talked about how and why he was hungover, to their envy.

Still, I am pleased that Novak is published in your magazine. His honest confession of voting for LBJ is well received. His discernment in seeing how he was hoodwinked at the time has probably sharpened his intuition to detect political phonies as they come along.

CHARLES H. JUSTICE
BLOWING ROCK, NC

HISTORICAL WHAT IFS

In "Nixon and His Monica" (June 29), Noemie Emery states that Nixon said the following: "Those who were after me . . . weren't interested in Watergate as much as they were interested in getting me on Alger Hiss. I gave them what they wanted. But believe me, Watergate was just an excuse."

The suggestion is that this is nonsense, but Emery never says so—and for good reason. Nixon, educated in a red-brick college, exposed one of the luminaries of the Eastern Ivy League establishment as a traitor. The messenger must be killed.

Is this our Dreyfus Affair with a twist? Is it still a factor in domestic politics? But for the Hiss affair, would there have been a Watergate? And but for Watergate, would there have been the various Clinton-gates?

CECIL J. BURROWS
PITTSFIELD, IL

THE POT OVERFLOWETH

Michael Barone assumes that recent massive Latino immigration will turn out just fine for America and for resident Latinos because massive Italian immigration at the turn of the century turned out fine ("Back into the Melting Pot," July 6/July 13).

He overlooks one key finding of economic historians: The most important single factor in allowing Italians and millions of other new immigrants to rise up the economic and social ladder was the congressional action of 1917, 1921, and 1924 that cut new annual immigration by roughly 80 percent, and kept the numbers low for the next four decades.

If the disproportionally poor Latino Americans are to have a chance at the good economic life that fell to the Italian immigrants, they too need a respite. But Congress shows no sign of willingness to cut annual legal immigration numbers back to the traditional levels that existed before 1965.

ROY BECK
DIRECTOR, AMERICANS FOR BETTER IMMIGRATION
ARLINGTON, VA

POST-ENLIGHTENMENT CITY

Harvey Mansfield's "The City of Manent" (June 15) was another painful reminder of how hopelessly inadequate the public-relations work of American anthropologists has been among scholars. The review indicates that the book deals with human nature, but anthropology is not mentioned, despite the fact that this discipline has had, unlike any other science, the nature of mankind as its central concern since the founding of the discipline more than a century ago.

Judging from Mansfield's review, Manent's book would have been better titled something like "Opinions of Philosophers about Human Nature." Knowledge of any phenomenon, including the nature of humanity, seems to come mainly from the three R's: revelation, reason, and research. In order to progress toward a better understanding of ourselves, I prefer to rely more on juried research than on consulting chicken entrails (i.e., supposed revelation) or contemplating our navels (i.e., pure reason).

In other words, since the discipline of anthropology began, anthropologists have pursued the prime injunction of "know thyself" by studying the human physique along with human behavior—not only across space (cross-culturally) but also through time (historically), and in comparison with our primate relatives, both living and extinct.

Given the infinite complexity of such phenomena, and the fact that anthropology must be mainly an exploratory science like geology, an attempt at comprehensiveness would seem to be absurdly ambitious. It is true that we have made much less progress than have the physical sciences. Either way, I would hope that more scholars would occasionally consult an anthropology textbook.

JACK T. HUGHES
CANYON, TX

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A Juicy Scandal

July 4, after nine days of self-congratulation in China, Bill Clinton returned to the United States, where for six months he has declined to respond—in public or under oath—to swirling evidence that he has committed felony crimes while president. He immediately addressed the nation by radio. He asked that we "rededicate ourselves to the work of responsible citizenship." And he volunteered to make the first move. The president promised to provide bacteriological "warning labels" on "all prepackaged juice" so that we can all make "better decisions about the juice." As responsible citizenship presumably requires.

Better decisions about the juice.

Some future generation of social historians may finally solve the mystery of why this generation of Americans did not long ago surround the White House, torches burning, to demand a proper, full accounting from our principal elected leader. Suffice it to say, for now, that it has not happened. Suffice it to say, too, that a preliminary explanation for this depressing non-development is already taking hold—even among the Whitewater/Lewinsky controversy's closest and least Clinton-sympathetic observers. *Kenneth Starr has blown it*, Washington now mumbles into its phones and television cameras. Starr is losing on the law. He may be losing on the facts, as well.

Washington seems impressed by Starr's recent series of "legal setbacks." Washington seems impressed that Susan McDougal was released from incarceration *for health reasons*—though she will again face trial this fall for felony contempt of court. Washington seems impressed that the Supreme Court denied Starr's request for access to notes taken by Vince Foster's attorney—though that case was about the Travelgate scandal, which does not involve the president.

Washington seems further impressed that the administration has so far blocked, behind imaginary "privileges," the grand-jury testimony of two Secret Service agents and White House fixer Bruce Lindsey. The Supreme Court decided last month not to grant Starr an emergency hearing on this question. But has Starr yet "lost" a single *substantive* privilege ruling about Whitewater or Lewinsky? He has not. Two weeks ago, in fact, the D.C. Circuit Court of Appeals ordered both Secret Service agents to obey their subpoenas and tell the truth.

A one-day story, that. Washington seems more impressed—Washington seems *most* impressed, Starr's critics and erstwhile friends alike—by what U.S. district judge James Robertson did on July 1. Robertson dismissed Starr's recent 10-count indictment of Webster Hubbell for conspiracy, tax evasion, and tax, mail, and wire fraud. Mind, the judge did not determine that the charges were baseless. Instead, he rebuked the independent counsel for investigating those charges in the first place. And for trampling Hubbell's Fifth Amendment rights—in a "quintessential fishing expedition"—while working to prove the charges.

Hours after Robertson's ruling was released, CNN turned its airwaves over to former White House bagman Harold Ickes, who announced that the judge had confirmed beyond dispute what has always been Team Clinton's central theory about the president's scandals: There *are* no scandals. There is only Kenneth Starr, a man of "McCarthyite" zeal and "Gestapo tactics." Talk like that was all over the next day's papers. And some of it appeared in the voice of objective reality. Robertson's opinion was a "carefully" worded, "powerful critique" of the independent counsel's methods and evidence, the *New York Times* reported. These are journalistic euphemisms for "persuasive."

Except that the Robertson opinion is not persuasive. It is a joke. Ken Starr built his latest case against Hubbell on more than 13,000 pages of personal records. Hubbell delivered those records to the Whitewater grand jury in response to a subpoena. He did so under a Starr-sought, court-ordered grant of limited immunity. Which meant the fact that Hubbell was the *source* of the documents—his implicit testimony that they existed, were authentic, and belonged to him—could not be revealed to the grand jury or any subsequent trial court.

But the *contents* of Hubbell's records were and are another thing altogether, as Judge Robertson only

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briefly acknowledges. The Supreme Court has clearly ruled, he spends one sentence whispering, that evidence gleaned from voluntarily prepared private documents is "never protected" by the Constitution. Robertson then skips merrily along, however, ignoring this central observation. Hubbell does seem to have been paid hundreds of thousands of dollars for no-show jobs—arranged by the president's friends—at precisely the time he was refusing to cooperate with the Starr grand jury. He did not pay taxes on this money. His private records suggest as much. His private records, in other words, are incriminating. Therefore, according to Robertson, Starr was precluded by the Fifth Amendment from obtaining those records.

There is literally no federal case law to sustain this argument. Nor is there any logic to Robertson's additional ruling that Hubbell's tax crimes are "factually unrelated" to Starr's underlying Whitewater investigation. A three-judge, *appellate-level* panel has already decided otherwise. Robertson will be overruled. Hubbell will be tried and convicted.

What, then, can account for the commentariat's easy judgment that the independent counsel has been sidetracked and embarrassed by this incident? Boredom? Laziness? What, for that matter, can account for Washington's new willingness to entertain the possibility that even basic suspicions about Bill Clinton—far short of the question of criminal culpability—may no longer be warranted?

The city is abuzz with fresh, speculative analyses of the famous "talking points," which appear to instruct Linda Tripp on how to change her memory about Kathleen Willey and Monica Lewinsky. For weeks now, White House aides have been advising reporters to check out the work of John F.X. "Jack" Gillis and Willard "Skip" Fox. Fox teaches poetry at the University of Southwestern Louisiana. Gillis is a graduate student there. The two men have performed what they call a "bit of textual bibliography" on the talking points. "Let's assume this is a text," Gillis says, "and let us explicate it."

They have assumed and explicated to a fare-thee-well, and they have published the resulting conspiracy theory on the Internet. Gillis/Fox Essay #1, "*Newsweek*'s Lies," concludes that *Newsweek* reporter Michael Isikoff's scoop on the talking points was a "deliberate, knowing falsehood." Why? Because the talking points were not, *pace* Newsweek, "typed." They were produced on a computer keyboard. Aha! The second and third Gillis/Fox exercises examine the talking points in further, mind-numbing detail. There are minor inconsistencies among various published versions of the document. There is "aspectually anomalous" language. There are "repeated third-person references without antecedent." There is the "present-perfect tense" at one point.

All of which proves, according to these two geniuses, that "neither Lewinsky nor 'the president's men' could have drafted the document." The talking points were instead likely prepared by Linda Tripp herself, with help from Lucianne Goldberg, an unknown lawyer, and . . . Michael Isikoff, who "might be considered a contributor." And nothing in the talking points necessarily implicates President Clinton or any of his friends in untoward behavior of any kind.

Messrs. Gillis and Fox, too, have now been granted an audience by CNN. *Salon* and *Slate* and *U.S. News & World Report* and even *Newsweek* itself have published critical reexaminations of the talking points. Maybe they're not what they seem.

But maybe they are. The University of Southwestern Louisiana English Department has not answered and *cannot* answer the Whitewater/Lewinsky scandals' cardinal questions. No such question has yet been answered, however eager the country has become to "put the matter behind us."

It cannot be, for instance, as the D.C. Circuit's quickly overlooked privilege ruling explains, that the administration is withholding the testimony of Secret Service agents purely to protect the intimate bond between a president and his lifesaving bodyguards. It cannot be, because no such absolute confidentiality now exists, and because the administration has never before taken action to create such a rule of silence. Former agents, for example, may say anything they like, whenever they wish. It is only for these two Secret Service agents, with knowledge of this particular president's activities in the White House, that the administration has invented "protective function privilege." Legally unacceptable, according to the court.

And highly suspicious, as is so much else of the Whitewater/Lewinsky evidence. No major question raised by that evidence has yet been resolved in Bill Clinton's favor. No major issue of relevant law has yet been resolved in his favor, either. So how can anyone yet conclude that Kenneth Starr has "blown it"?

Unless, that is, they have decided that the "it" in question—the cloud of felony accusations that still hangs over our president's head, and our president's obstinate refusal to help us penetrate that cloud—simply doesn't matter.

It does matter, of course. It matters even more than "better decisions about the juice." In the final analysis, it is not some single prosecutor's job to hold an American president accountable. It is America's. If our current president escapes such accountability, if he somehow manages to skate free of his current controversies, it will not be Kenneth Starr's fault. It will be ours.

—David Tell, for the Editors

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The CNN Meltdown

by Eric Felten

CNN and *Time*'s retraction of their false story on nerve-gas use by American soldiers in Laos has made one thing clear: CNN gave free rein to left-wing conspiracy theorizing masquerading as investigative journalism. The media establishment doesn't want to admit this, but it's the case. How do we know? The testimony of CNN's "journalists" themselves.

CNN producers April Oliver and Jack Smith were both fired after their humiliated network was forced to admit (as was reported in these pages three weeks ago in "CNN and *Time*'s Poisonous Smear") that there is no evidence that the U.S. military used nerve gas in Vietnam; nor is there evidence of a mission to assassinate American defectors in Laos. But Oliver and Smith and their colleague in the smear—CNN correspondent Peter Arnett, who was reprimanded but not fired—are unrepentant.

Oliver and Smith have appeared on any TV interview show that will have them to proclaim that their story is true. According to Oliver and Smith, CNN didn't retract the sensational charges because they were demonstrably false. No, the network caved in to pressure from the military-retiree complex. This isn't some screwy strategy for Oliver and Smith to salvage their careers: They seem actually to believe it. After appearing on *Special Edition* with Brit Hume on the Fox News Network, Oliver turned to Hume as she was leaving the set and offered him this conspiratorialist nugget: "Colin Powell did it." And Henry Kissinger was in on it, too, according to Smith. Arnett, who does seem to have a strategy for salvaging his career, claims now that he basically lent his famous name and face to the story for "marketing" purposes. And in his own slippery way, Arnett backs his fired colleagues' conspiracy theory, saying, "I don't know whether [the story] was true or not. Laos was a black hole during the war."

Kevin Chadwick

Peter Arnett

But it doesn't take a conspiracy to explain why CNN and *Time* retracted and apologized for their nerve-gas "scoop" as fast as they could. Articles in the *Baltimore Sun*, *Newsweek*, *Slate*, the *Washington Times*, the *New York Times*, and this magazine left the sarin-gas story in tatters. The noted libel defense attorney Floyd Abrams, hired by CNN to investigate how its producers put the sarin story together, catalogued a devastating assortment of journalistic sins: Credible sources denying the story were ignored. Repeated, explicit denials by key sources such as retired Adm. Thomas Moorer were edited out. A smudged, photocopied document was used to fool a variety of sources into thinking CNN had proof of the use of nerve gas. Robert Van Buskirk, the central source, had written a book about the mission in Laos, an account that flatly contradicted his spiel on CNN; his new account was based on a "recovered memory"; he had been kicked out of the Army after being arrested for gun-running. *NewsStand: CNN & Time*, the newsmagazine show that aired the Oliver/Arnett story on June 7, never gave any of these relevant facts to its viewers.

If Abrams presented a comprehensive anatomy of how CNN and *Time* botched the story, his report was laughably misleading about why the story made it on the air, and much of the coverage of the retractions has echoed Abrams's spin.

Abrams called April Oliver's eight-month investigation "journalistic overkill" and suggested that CNN's reporters had made the mistake of falling in love with their story: "The degree of confidence approaching certainty of the CNN journalists who prepared the broadcast of the conclusions offered in it contributed greatly to the journalistic flaws identified in the report," he wrote.

But "journalistic" is hardly the right adjective to describe this enterprise: eight months of dogged effort to prove a horrifying tale of American war crimes that the reporters are "certain" is true, even when the evidence contradicts them. This is a description not of

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journalists in action but of ideological true believers seeking to put a journalistic gloss on a version of events that has become, for them, an article of faith. This is why April Oliver and Jack Smith are sticking to their guns: They still *believe* the story.

The CNN-*Time* nerve-gas story, in short, was riddled with bias—left-wing, anti-American ideological bias, to be precise. Remember the original charge: American GIs and CIA operatives, presumably on orders from Richard Nixon, bombed women and children with lethal nerve gas while on a mission to assassinate American defectors. And lest anyone doubt the lessons that were to be drawn from this use of nerve gas, CNN anchor Jeff Greenfield spelled them out: "Earlier this year," he said "the United States nearly went to war with Iraq over chemical and biological weapons." Yet the "United States military used lethal nerve gas during the Vietnam War."

In the rush to give CNN credit for its apology, commentators have for the most part strenuously averted their gaze from the obvious role of political bias in the reporting and airing of the story, preferring to attribute CNN and *Time*'s embarrassing lapse to anything but ideology. In the *New York Times*, Walter Goodman stressed the pressures of getting a blockbuster. Columnist Frank Rich also dismissed leftism out of hand; he blamed the new culture of infotainment. Tom Rosenstiel of the Pew Foundation's Project for Excellence in Journalism told Reuters that CNN may have "succumbed to the growing pressure on all news organizations to have a big score that attracts attention"—as if accusations of American war crimes were just the ticket to rescue CNN's ratings. (Then again, perhaps they *do* believe this in Ted Turner's boardroom; CNN's glory days during the Gulf War did include Peter Arnett's credulous reports from Baghdad of a U.S. bombing attack on a "baby milk factory.")

The notion that an honest overenthusiasm was to blame for the phony nerve-gas story is the central argument of the Abrams report. But why the Abrams report should be seen as the last word on the participants' motivations isn't evident. Floyd Abrams is one of the nation's premier defense attorneys; if he was not lawyering while he was investigating, then he wasn't doing his job. If Abrams had concluded the reporters' motives were ideological, that their story was a smear of the American soldiers in Laos and their commanders, then it would be easy for those defamed to make the case that the harm done to them was intentional. Hello, nine-figure damages.

Is it any wonder, then, that from his first day working for CNN, Abrams was making the case that any errors were unintentional? After CNN News Group chairman Tom Johnson hired Abrams, Johnson called retired general Perry Smith to ask him to cooperate with the investigation. Smith, the long-time military analyst for CNN, had resigned a week before in protest over the nerve-gas story, which he knew to be false. As a former Air Force pilot, Smith knew there would be records of the exact munitions loaded onto the planes flown in Operation Tailwind; in one day he had been able to obtain those records; it was tear gas.

Some of the soldiers and pilots on the mission in Laos told Smith they were worried that Abrams was only looking for a way to block the lawsuits they were already contemplating. The day after Abrams began his investigation, Smith expressed that concern to him. Abrams assured Smith that libel-defense was not his job, because there were no grounds for a defamation lawsuit in the first place. According to Smith, Abrams went on to explain in detail why the CNN-*Time* story didn't meet the stringent standards of libel. But Abrams was just being a good defense lawyer here. He couldn't have known this when he was just beginning his probe.

In fact, there is plenty of evidence that the story was driven by ideology. As CNN was preparing to retract it, April Oliver wrote a breathless defense of her work for CNN's programming honcho, Rick Kaplan. The memo is a blueprint for her later talk-show appearances: She blames CNN for succumbing to pressure from "high rollers such as Colin Powell and Henry Kissinger." She stands blindly by her story: "I continue to be unaware of any factual error in the script." And she has a paranoid explanation for why the broadcast's allegations unraveled: "an orchestrated group of veterans, military and conservative ideologues set out to savage the report." Oliver sees her fight in ideological terms. And why wouldn't she? In addition to her work for television, Oliver has written a couple of dozen articles for print publications, all of them left of center. Most of her work was for the left-leaning *National Catholic Reporter*; she also wrote for the *Nation* and the hard-left *In These Times*. It is difficult to resist the conclusion that she acted on a political agenda, as opposed to being the victim of her own journalistic enthusiasm.

Nor is Oliver the only one involved to see the struggle in ideological terms. Peter Arnett does so as well. Arnett succeeded in evading responsibility for the calumny because CNN didn't want to fire its veteran, Pulitzer Prize-winning celebrity. This, even though he conducted several of the most important on-air interviews; even though he was bylined as the co-author of the *Time* magazine article; even though he went on other CNN broadcasts, unscripted, to make even more outrageous claims than were contained in the original story. The day after the nerve-gas broadcast, Arnett told *CNN Early Edition* host

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Donna Kelley that dropping poison gas was commonplace: "It was sometimes used to hit the—to use on the ground as American pilots, surrounded by [North Vietnamese], used the gas to bring the pilots back into the planes and give them the antidote, hopefully in time."

To the *Washington Post*'s media critic Howard Kurtz, Arnett even cast himself as a victim: "I was being trashed on a daily basis in the right-wing media," he told Kurtz. "I felt my reputation going down the tubes." In other words, like Oliver, Arnett views his troubles in ideological terms. And there is no doubt that a reporting career whose high points have all involved allegations of American war crimes has made Arnett an ideological target. As well it should. When Arnett tells the Associated Press that his reaction to the sarin-gas story was that he "had no real reason to doubt" it, he confirms the right-wing assumption about his own career: a man who is always prepared to parachute in and believe the worst of American soldiers.

Arnett didn't question Oliver's opus because it was the sort of accusation he was predisposed to believe and happy to put his name on. The same can be said of CNN-America president Rick Kaplan, the creator of the *NewsStand* series that was kicked off with the nerve-gas fiasco. Kaplan escaped the train wreck with not even a reprimand. He said he considered resigning, but decided against it after determining that his role in the broadcast had been minimal. Of course, *NewsStand* was Kaplan's first major contribution to the CNN lineup since his arrival from ABC last year, the cornerstone of his programming initiatives. And yet, if we believe his account, he had little involvement in the first blockbuster story of the first broadcast. That's another assertion that only true-believers will want to credit.

When journalists cease thinking skeptically, it is usually because they've got hold of a story they want to believe. When the organizations those journalists work for uncritically promote their work, it is usually because of a shared culture and shared political assumptions. Internal alarms were raised at *Time* and CNN about the nerve-gas story, but the alarms were weak and were overridden. Is this surprising? Critics on the right have long charged CNN with a knee-jerk anti-Americanism that more than occasionally manifests itself in the network's news judgment. Corporate apologies notwithstanding, April Oliver, Jack Smith, Peter Arnett, and their executive enablers have just provided such critics with stunning evidence that the charge is true.

Eric Felten's most recent article for* THE WEEKLY STANDARD *was "CNN and* Time*'s Poisonous Smear" (June 29).

GOP TAIWANNABES

by Matthew Rees

WHEN PRESIDENT CLINTON returned from China on July 4, congressional Republicans were in a bind. A number of GOP leaders, most notably Newt Gingrich and Jack Kemp, had praised the president's performance. Other Republicans had quietly stuck with their criticism of Clinton's China policy on issues like human rights and nuclear proliferation.

But the president gave Republicans a way out of their bind when, late in his trip, he was asked whether he had discussed Taiwan with the Chinese number one, Jiang Zemin. Clinton replied, "I had a chance to reiterate our Taiwan policy, which is that we don't support independence for Taiwan, or two Chinas, or one Taiwan/one China. And we don't believe that Taiwan should be a member in any organization for which statehood is a requirement."

This signaled a subtle yet significant shift in the American posture toward Taiwan. While it did not contradict official U.S. policy, it did contradict the *spirit* of that policy, given that no president had ever expressed it in quite those terms. Recognizing the potential damage, the administration dispatched a private envoy to Taipei to meet with Taiwan's president, Lee Teng-hui. After that meeting, Lee rebuked Washington, saying "your country should negotiate directly with us about any matters involving Taiwan."

Clinton's statement created an opening for Republicans, who have been generally supportive of Taiwan. At a Senate GOP leadership meeting early on July 7, Don Nickles of Oklahoma linked Clinton's words to what he views as the president's recklessness in foreign affairs. Other senators agreed on the need to express disapproval of Clinton's statement, and the group decided with uncustomary speed that a resolution should be introduced reaffirming support for the Taiwan Relations Act of 1979 and calling on China to renounce the use of force in its dealings with the island. Within minutes, majority leader Trent Lott

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had summoned to the meeting his national security adviser, Randy Scheunemann, and instructed him to begin drafting a resolution.

A few hours later, when Senate Republicans met for their weekly lunch, they were handed a draft resolution. China hawks like Tim Hutchinson and Connie Mack immediately signed on, but so did traditional China engagers like Richard Lugar and Craig Thomas. Shortly after the lunch, the resolution was formally introduced, and Lott was distributing to the press a statement expressing "grave concerns" about Clinton, China, and Taiwan.

On July 10, the resolution—slightly modified to accommodate hesitant senators—passed 92-0.

The value for Republicans in challenging the president on Taiwan is twofold. First, while the annual fight over renewing China's most-favored-nation trading status provokes trouble with business groups, those groups don't mind an offensive in behalf of Taiwan. (U.S. companies export twice as much to Taiwan as to China, according to the Senate resolution.) Second, the Taiwan issue has divided congressional Democrats from the White House. One of the original cosponsors of the Taiwan resolution was Bob Torricelli of New Jersey, a liberal Democrat and an ardent defender of Clinton in all scandals.

Chas Fagan

Trent Lott

The alacrity with which Senate Republicans moved illustrates the party's unease over the impression created during the president's trip that it backs every aspect of his China policy. Next week, the House will vote to support the president's renewal of China's MFN status. The Senate therefore will not be required to vote on the matter, and probably won't—both houses must reject MFN for it to go down. In addition, committees in both chambers are slowly learning more about the administration's export policy and its resultant transfer of missile technology to China (although these investigations haven't grabbed headlines). And while the Senate will probably soon pass some modest human-rights legislation—for example, mandating that human-rights monitors be sent to the U.S. embassy in Beijing—there is no great appetite for doing more that would directly challenge the Chinese.

One reason Republicans can't muster majorities for a harder line toward China is that social conservatives are divided on the issue. The Family Research Council's Gary Bauer continues to inveigh against the Clinton policy, but Pat Robertson, among others, is urging a softer line. In a June 30 *Wall Street Journal* piece titled "Friendship with China Is a Moral Imperative," Robertson cast Bauer and Sen. Hutchinson, normally his allies, as isolationists. He also questioned the motives of China hawks, charging that they "prosper in direct mail and media campaigns." Continuing the intra-Right skirmish, Hutchinson mocked Robertson's column as a "Clinton echo," and Bauer says he has seen "no evidence the piece has had any effect at the grassroots."

Nonetheless, Robertson's salvo provides cover for wavering Republicans inclined to support MFN for China and a generally softer line, as does the Christian Coalition's decision not to take a position on MFN this year. (The coalition opposed MFN renewal last year.) Robertson's stance also poses a dilemma to his friends on the Hill, particularly Sen. John Ashcroft, an all-but-declared presidential candidate. A $10,000 contribution from Robertson earlier this year has been viewed as a tacit, and highly prized, endorsement of the Missouri senator. But Ashcroft nevertheless continues to roast Clinton for his China policy.

So, which way for Republicans on China? Look for continued action on the Taiwan front, partly because Republicans really believe in supporting the island once known as "Free China," and partly because Taiwan is the one China-related issue on which the GOP can easily unite. But Beijing is hypersensitive about the flourishing and self-governing republic off its coast, and the Clinton administration is hypersensitive to Beijing's feelings.

Which raises the question: How will Clinton and his new friend Jiang react to Congress's affirmation of support for Taiwan?

Matthew Rees is a staff writer for THE WEEKLY STANDARD.

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The Soul-corrupting Anti-tobacco Crusade

By Dennis Prager

I have never been a cigarette smoker. I have never doubted that cigarette smoking is dangerous. I believe that American tobacco companies have systematically lied about the dangers of cigarettes. I accept the public-health statistic that one out of three cigarette smokers will die prematurely.

I have smoked a pipe and cigars since I was a teenager. The joy and relaxation that cigars and pipes have brought me are very great. I do not regret having begun smoking. Life does not afford us an unlimited number of daily pleasures that are as largely innocuous as cigar and pipe smoking. As for my three children, I would not be particularly concerned if they decided to smoke cigars or pipes, and while I would be unhappy if they took up cigarette smoking and became addicted to nicotine, I would not be unduly so. I would be considerably more unhappy if they became addicted to television. In fact, if smoking cigarettes is the most dangerous activity or worst vice my children ever engage in, I will rejoice.

I therefore do not consider cigarette smoking, let alone cigar or pipe smoking, to be worthy of the crusade society is waging against it. A simple commonsense health problem has been transformed into America's great moral cause. In the process, the war against smoking is playing havoc with moral values—with the truth, with science and scientists, with children's moral education, with the war on real drugs, with the principle of personal freedom and much more that we hold dear. The war against tobacco, in short, has come to be far more dangerous than tobacco itself.

One particularly irresponsible aspect of the war against tobacco is the now commonplace equating of tobacco use with drug use. In California, which leads the country in sums spent on anti-smoking ads, billboards throughout the state proclaim that cigarettes and tobacco are drugs—implicitly no different from marijuana or even heroin and cocaine. In fact, it has become a staple of anti-smoking rhetoric that it is harder to end nicotine addiction than heroin addiction. Now the anti-smoking forces want the Food and Drug Administration to regulate nicotine as a drug.

The only conceivable consequence of equating hard drugs, which can destroy the mind and soul, with tobacco, which can actually have positive effects on the mind and has no deleterious effect on the soul, is to lessen the fear of real drugs among young people. How could it not? If taking heroin, cocaine, and marijuana is the moral, personal, and social equivalent of smoking cigarettes, then how bad can heroin, cocaine, and marijuana be? After all, young people see adults smoking cigarettes all the time without destroying their lives.

The truth is that tobacco doesn't interfere with the soul, mind, conscience, or emotional growth of a smoker. As for the one trait cigarettes and drugs share—addictiveness—this tells us little. Human beings are addicted to a plethora of substances and activities. These include coffee, sugar, alcohol, gambling, sex, food, spending, and virtually every other human endeavor that brings immediate gratification and that people cannot, or choose not to, control.

In the past, when the moral compass of our society functioned more accurately, we fought the addictions that lead to social breakdown far more vigorously than those that can lead to ill health. Today American society and government do the opposite: They fight health dangers—and actually encourage social dangers. For example, government now encourages gambling (by instituting lotteries and legalizing casinos, which advertise more freely than tobacco); government largely ignores alcohol, the addiction most associated with child abuse, spousal abuse, and violent crime; and it fails in its efforts to curb real drug addiction. All the while, it wages its most ubiquitous war against cigarette smokers, who pose no danger to society or family life.

Another irresponsible aspect of the war against tobacco is the demonization of smokers. In the span of a few years, smokers have been transformed from peo-

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ple engaged in a somewhat dangerous but morally innocuous habit into drug addicts, child abusers, and killers. Smoking has become, incredibly, an issue of moral character, not merely of health.

Here is one result:

> Judges in divorce cases are increasingly considering smoking as a factor in deciding where to put the kids and retaining custody. . . . If a judge is so inclined, he can depict smoking as negative in two ways: dirtying the child's air and *showing poor character*.
>
> In Knox County, Tenn., the Circuit Court has adopted a rule for all custody cases, and *not just those in which the child has a health problem*: "If children are exposed to smoke, it will be strong evidence that the exposing parent does not take good care of them."
>
> That rule led last year to a criminal contempt conviction—and a loss of all visitation rights—for a father who smoked during his time with his daughter. [Associated Press, April 18, 1997, italics added.]

Think of it: A thoroughly decent person and loving parent can now lose custody of his or her child solely because of smoking. This is moral idiocy, and it hinges on the fraudulent theory of secondhand smoke.

Since the Environmental Protection Agency listed secondhand smoke as a first-class human carcinogen in 1993, numerous eminent scientists have expressed skepticism. They include epidemiologists Dimitrios Trichopoulos of the Harvard School of Public Health and Alvan Feinstein of Yale Medical School. Dr. Philippe Shubik, editor in chief of *Teratogenesis, Carcinogenesis and Mutagenesis*, published at Oxford University, contrasts cigarette smoking—"an unequivocal human cancer hazard"—with environmental smoke. Officially designating the latter a human carcinogen, he writes, "is not only unjustified but establishes a scientifically unsound principle."

In other words, anti-tobacco activists who ascribe murderous carcinogenic qualities to secondhand smoke are engaging in junk science and propaganda, just as were the pro-tobacco spokesmen who denied the carcinogenic properties of smoking.

Instilling fear in children has been one of the few successful educational techniques in America over the past generation. Educators frightened young children first about dying in a nuclear war; then about dying from heterosexually transmitted AIDS; then about being sexually harassed; then about being abused (hence teachers and day-care providers are told not to hug children); then about "stranger danger"; and now schools tell our children that their parent who smokes will die and may even kill them.

After frightening young children, the anti-smoking crusaders attempt to use them: Children's grasp of the issue is not terribly sophisticated, which makes them all the more easily brainwashed and all the more useful as foot soldiers in the war against smoking.

Massachusetts—a state that prides itself on its commitment to "question authority"—puts its students to work unquestioningly on behalf of anti-smoking authority. Thus, second-graders in Mattapan are told to express their support for a smoking ban in restaurants. Fifth-graders in Chelsea are instructed to use an approach reminiscent of the Chinese Cultural Revolution, namely, "to knock on the doors of friends and parents who smoke to educate them about the dangers of smoking."

But frightening children is hardly the only abuse of which the anti-smoking zealots are guilty. Lies, half-truths, exaggerations, and distortions characterize the anti-smoking campaign—as much as they ever characterized the tobacco companies.

The first manipulation of truth concerns the number of Americans said to die from smoking. We are told repeatedly that 500,000 Americans die each year from "tobacco-related illnesses." Even if the figure is accurate, citing it as if it were the only relevant statistic is dishonest.

What if anti-smoking billboards and ads told the truth about the two statistics that truly matter to anyone contemplating smoking: What are the chances that any individual smoker will die prematurely? And how many years does the average pack-a-day cigarette smoker lose? If anti-smoking announcements dealt with these questions, they would have to declare something like this: "One out of every three cigarette smokers will die prematurely," and, "While the average American male who never smoked a cigarette will live until age 78, males who smoke a pack a day will, on average, live only until age 71."

That's it. The justification for all this hysteria—all the laws restricting speech in advertisements, all the bans on smoking sections in private businesses, all the regressive taxes, all this frightening of children about their lives and those of their parents—is that one-third of cigarette smokers die prematurely, at an average loss of seven years. And that may overstate the case. According to *The Costs of Poor Health Habits*, a RAND study published in 1991 by Harvard University Press, smoking cigarettes "reduces the life expectancy of a 20-year-old by about 4.3 years."

Another claim, repeated by President Clinton in a radio broadcast in June, is that we must fight tobacco in order to "save the lives of one million young people." I will leave it to others to determine whether this

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qualifies as a lie or sophistry. Whichever, it is untrue. Unlike drugs, drunk driving, and murder, which annually kill many thousands of young people, cigarettes do not kill a single young person. Those young people who die from cigarettes will do so at an average age of over 70. Tell that to the young.

One of the greatest distortions of truth by the anti-smoking crusade—one that can only be characterized as a Big Lie, since it is repeated so often, by so many, and has led to a money grab of unprecedented proportions—is how much it costs the public to cover the medical care of smokers.

We are told that treatment of sick smokers costs government billions of dollars a year. Unlike the claim of 500,000 a year dead from "tobacco-related diseases," which is only misleading and can be neither proved nor disproved, this claim is easily exposed as a lie. Smokers actually save the public money. On purely financial grounds, the public is a net gainer from cigarette smokers. To put it differently: If everyone stopped smoking, the public would lose substantial sums.

This is because government makes a great deal of money from cigarette taxes, and it saves enormous sums upon the death of cigarette smokers, most of whom die at an age when they would otherwise collect Social Security and other public benefits. Moreover, as hard as it is for the anti-smoking movement to acknowledge, non-smokers impose great costs on society in their last months of life, just as smokers do.

America reserves its stigma for cigarette smoking and is entirely nonjudgmental about deliberate single motherhood.

Society has always had two means of discouraging behavior: punishment and stigma. What a society punishes and stigmatizes reveals what it values.

Consider a recent cover story in *People* magazine. The cover featured a photograph of actress Jody Foster, who is pregnant. The magazine overflowed with enthusiasm about her pregnancy and quoted one source after another welcoming the future Foster child.

This article would have been inconceivable a generation ago. For not only is Jody Foster unmarried, there is not even an identifiable father (presumably some anonymous sperm donor) for the child she is bringing into the world.

Yet this means nothing to elite America. Hooray for the deliberately fatherless child! Hooray for unwed motherhood! Those are the messages sent to America's young women and girls and to its young men and boys.

People magazine, a pretty accurate reflection of America's social attitudes, knew it ran no risk by celebrating a fatherless pregnancy. But there is one photo it would probably never dare show on its cover: Jody Foster smoking a cigarette.

America has made its choice: It reserves its stigma for cigarette smokers and is entirely nonjudgmental about bringing children into the world without a father. When I see smokers shivering outside buildings and regarded by many as pathetic or even dangerous people while unwed mothers are celebrated, I worry about America's future.

Here's another example of the misplaced priorities that the hysteria over cigarette smoking has wrought. The president of the United States and the country's surgeon general summoned the national media to the White House for what they deemed a highly significant announcement: Smoking among black and other minority youths has increased. President Clinton and Surgeon General David Satcher appeared with a group of non-white children and spoke in the gravest tones about this threat to them.

But in six years in office, the president has never convened a White House conference to lament the plague of unwed motherhood. The majority of black children grow up without their father in their home. This is easily the greatest obstacle to black progress. Yet the president and the media focus on the increase in cigarette smoking among young blacks—and black smoking rates are *lower* than those of whites.

A question: Which would improve black life more—for every single black youth to stop smoking while the illegitimacy rate remained the same, or for every black youth to smoke cigarettes while growing up from birth to adulthood with both of his parents?

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With the nation morally at sea, many Americans may find this question difficult to answer.

At the heart of the anti-smoking lawsuits against the tobacco industry is the denial that smokers are personally responsible for smoking. They allegedly had no knowledge of the dangers of cigarette smoking and began smoking because venal tobacco companies used mind-numbing ads to convince them cigarettes were healthy.

The last thing America needs is a massive campaign further eroding personal responsibility. We already live in a country that regularly teaches its citizens to blame others—government, ads, parents, schools, movies, genes, sugar, tobacco, alcohol, sexism, racism—for their poor decisions and problems. Now we have the largest public-relations campaign in American history teaching Americans this: If you smoke, you are in no way responsible for what happens to you. You are entirely a victim.

The war against tobacco is telling teenagers in particular to look for others to blame. The latest ad campaign, in Florida—funded by tens of millions of public dollars—is directed to teens. It tells them that if they smoke, they do so solely because they have been manipulated by tobacco-company ads. This is the theme of all the approaches to young people by the anti-smoking forces: You kids have been manipulated by a cartoon camel.

This approach not only sends the destructive message to young people that they are not responsible for their behavior, that they are helpless when confronted with a billboard for Marlboro cigarettes, it also is intellectually dishonest. If young people are powerless in the face of tobacco billboards—tobacco ads are already banned from television, radio, and youth-oriented magazines—they are presumably powerless in the face of all advertisements. Why then allow advertisements for liquor, wine, beer, or R-rated movies? Aren't young people equally powerless in the face of these ads? Why allow ads showing sexually suggestive gestures or behavior? Won't those ads make young people engage in sex? Or is teen sex less worrisome than teen smoking? Isn't the message that young people are not responsible for behaving as billboards urge them to behave a *disempowering* message?

The ultimate question is this: Why, given the far greater ills of American society and the minimal harm caused by tobacco, is America obsessed with smoking? The reason is that our moral compass is broken. Two generations ago, when our value system was comparatively sound, the vice America fought was alcohol, not tobacco. America understood that the effects of alcohol are incomparably worse than the effects of tobacco.

Cigarettes can lead to premature death. Alcohol can lead to murder, rape, child abuse, spousal beatings, family rupture, and permanent pathologies in the children of alcoholics. If all alcoholic beverages were miraculously removed from the earth, the amount of rape, murder, child abuse, and spousal beating would plummet, and no child would ever again suffer the permanently debilitating effects of having been raised by an alcoholic. If all tobacco products miraculously disappeared from the earth, the amount of rape, murder, child abuse, and spousal beating would remain identical, and millions of children would continue to suffer the horrors of growing up in alcoholic homes. In other words, morally speaking, little would change if tobacco miraculously disappeared.

In a more religious age, social activists fought alcohol; in our secular age, social activists fight tobacco—and a few other select ills, such as restrictions on abortion. Indeed, America's elites now consider it immoral to let a bar owner choose whether to allow smoking in his bar. But the same elites are pro-choice when it comes to letting the alcohol flow in those bars and allowing mothers to extinguish nascent human life for any reason they please.

The same president who vetoed a bill outlawing "partial-birth" abortions, which are usually performed in mid or late pregnancy, vigorously opposes choice about smoking in nearly all privately owned businesses. In California at the end of the twentieth century, third-trimester abortions are legal, but smoking in bars and outdoor stadiums is not. I happen to favor keeping first-trimester abortions legal, but even I can see that it is quite a statement about a society's sense of right and wrong when it deems secondhand smoke more worthy of legal restriction than the killing of human fetuses.

As early as 1994, *New York Times* columnist Russell Baker foresaw the dangers of the anti-smoking crusade. He wrote:

> Crusades typically start by being admirable, proceed to being foolish and end by being dangerous. The crusade against smoking is now clearly well into the second stage where foolishness abounds.
>
> Now something very sinister is developing. Some businesses are refusing to hire workers who smoke outside the workplace, on the ground that smokers' health problems are bad for their employers.
>
> This is an illustration of a crusade entering its dangerous stage. Give employers the right to control

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the habits of their workers outside the workplace, and you set the stage for a tyranny even worse than the evils of too much government which keep conservatives so alarmed.

Put this crusade in perspective. In the 1920s, America waged a war against alcohol. In the 1930s, it battled economic depression. In the 1940s, it fought fascism. In the 1950s and 1960s, it led the struggle against communism. In the 1970s, America grappled with its own racism and bigotry. In the 1980s, it ensured the defeat of the Soviet empire.

The next generation will ask: What preoccupied America in the final decade of the twentieth century—while unprecedented numbers of its children were being raised without fathers, while the country was living with rates of murder far higher than in any other advanced democracy, while its public schools were graduating semi-literates, while its ability to fight two wars was being eviscerated even as rogue nations built stocks of chemical and biological weapons and new countries were acquiring nuclear weapons? The editors of America's leading editorial pages and the majority of its national politicians, state attorneys general, and educators will be able to answer together, "We fought tobacco." Shame on them all. ♦

Why the War on Tobacco Will Fail

By John E. Calfee

The war on tobacco has turned upside down. For decades, as new information emerged about the health effects of smoking, public policy relentlessly emphasized individual decision-making. This brought real achievements—notably, a 40 percent reduction in U.S. per capita cigarette consumption between 1975 and 1993.

Some half dozen years ago, however, the battle over tobacco entered a new phase. The focus shifted from smoking to the tobacco industry. A new view took hold. In this view, smoking is caused primarily by deceptive advertising targeted at young people, the manipulation of nicotine to maintain addiction, and the suppression of information on the harm caused by smoking. Smokers should be seen as victims of these forces. And the solution is drastic reform of the industry itself.

This new vision rapidly coalesced into policy. Several states raised tobacco taxes in order to protect smokers from their own preferences and to fund anti-smoking campaigns and research. Federal action followed, notably the attempt of the Food and Drug Administration to regulate cigarettes as nicotine-delivery devices. At the same time came an astonishing barrage of litigation, generating multi-billion-dollar settlements in Mississippi, Texas, Florida, and most recently Minnesota. A June 1997 agreement among plaintiff attorneys, state attorneys general, and the tobacco industry provided a model for comprehensive federal legislative proposals, over which debate continues to this day.

All of this activity tends to focus on a concrete goal and a specific set of tools. The goal is to reduce teen smoking rapidly by half or more, with a corresponding reduction in adult smoking as the teens get older. The tools: elimination of advertising seen by teens, price increases of up to $2 per pack, anti-smoking campaigns, litigation to penalize the industry financially, "look-back" penalties on the industry if teen smoking does not decrease, and FDA jurisdiction over the development of safer cigarettes.

The new approach will almost certainly fail. In fact, disturbing symptoms of failure have already begun to appear. Teen smoking has increased substantially since 1991. That has caught people's attention, but probably more alarming is a little-noticed change in the trend of overall consumption. After 15 years of sharp annual declines, per-capita cigarette consump-

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tion has hardly dropped since 1993.

Quite aside from these numbers, there are compelling reasons to believe that the central elements of the new plan cannot do what they are supposed to do. Consider prices, the single most important tool in the new thinking. Current proposals would raise federal taxes by a dollar or two—former surgeon general C. Everett Koop and former FDA commissioner David Kessler have proposed $1.50. This is expected to cut teenage smoking by a third or more. The logic is that teens don't realize they will get hooked on nicotine if they smoke, but they will react strongly to higher prices. This seems most unlikely. With teen smokers consuming an average of eight cigarettes a day, there is little reason to expect an extra five or ten cents per cigarette to stop them from smoking. And in fact, the biggest drop in teenage smoking—a nearly one-third decline in the late 1970s—occurred when cigarette prices were also going down (by about 15 percent). On the other hand, prices have been stable or slightly rising since 1991, even as teen smoking increased. In the United Kingdom, where cigarettes already cost twice as much as in the United States, teenagers smoke at about the same rate as they do here.

Tell a teenager that advertising is the reason he smokes, and you will convince a teenager that you are out of touch with reality.

What about advertising? Tell a teenager that advertising is the reason he smokes, and you will probably convince a teenager that you are out of touch with reality. Repeated statistical analyses have failed to detect a substantial effect on consumption from advertising. One may quibble about the details of individual studies, but the overall results are unmistakable. If advertising's effect on cigarette consumption were substantial, it would have been detected by now.

FDA regulation, if it comes to pass, will be institutionalized frustration. The new rules on advertising cannot reduce teen smoking, because advertising restrictions can hardly prevent what advertising never caused. Safer cigarettes (with less tar and nicotine) will be stymied, as the FDA vigorously implements policies reflecting the public-health community's hostility to safer smoking and new types of cigarettes.

There remain the anti-smoking campaigns. Often tried, they have generally had disappointing results. The people who design these campaigns tend to act on their own pet theories (they think teens are being duped by advertising) and to pursue political goals. Anti-smoking advertising, like the anti-smoking movement generally, has therefore become a vehicle for the new view that the proper target is the tobacco industry rather than smoking.

Thus in California, Massachusetts, and most recently Florida, government-funded campaigns tell kids they can't trust tobacco companies. This non-news is unlikely to cause kids to toss their cigarettes away, but it is consistent with political objectives such as new anti-smoking measures. Two anti-smoking scholars recently praised California's anti-smoking ads for challenging "the dominant view that public health problems reflect personal habits," and they noted that "it is political action and attitudes, rather than personal behavior, on which counter-ads are focused." In fact, the most effective anti-smoking ads probably come from the pharmaceutical firms that market smoking-cessation products. These firms have a financial incentive to communicate the information and strategies that will make people get serious about quitting smoking.

Why do so many well-meaning people pursue measures that cannot achieve their goals? The short answer is that they are prisoners of their own preconceptions. They reject the idea that well-informed people ever choose to smoke; they believe advertising has a power that it has never had; they are ignorant of the history of cigarette marketing; and they give unquestioning credence to economic studies of the "price elasticity" of cigarettes that are of dubious value for the purposes to which they are put.

For the fact is that there is a deep conflict between what anti-smoking campaigners want to be true and what is true. This has fostered a strategy of deception and distortion. Such a strategy can succeed in the short run because of the peculiar circumstances of the tobacco market. Anti-smoking activists learned years ago that when they stretched the facts, those who corrected them were dismissed as industry hacks. This

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led to the amazing discovery that those who oppose smoking can wander far beyond the boundaries of good science (even in esteemed outlets such as the *Journal of the American Medical Association*) and still see their words accepted and amplified by an unquestioning media. Naturally, anti-smoking campaigners have seized this opportunity, introducing numerous absurdities into the everyday thinking of scholars, regulatory officials, journalists, and politicians. Thus we have been told that cigarettes are the most advertised product in America (wrong by more than an order of magnitude), that research has finally nailed down the connection between marketing and smoking by kids, and that secret industry documents show that the problem all along has been the targeting of youth. Such misinformation is routinely accepted and repeated as if it were the truth.

Here is a concrete example. One of the most often cited *JAMA* studies—in fact, the *only* non-governmental study the FDA cited in its regulatory initiative that actually used market data rather than surveys and the like—claimed to demonstrate that advertising for the first women's brands, in the late 1970s, caused a surge in smoking by teenage girls. The authors used sales data (not advertising data), took their figures from an unpublished student paper, dropped the three of six brands that did not fit their thesis, mistook billions of cigarettes sold for billions of *dollars* worth of cigarettes sold (a forty-fold error), and concluded to much acclaim that massive advertising had fundamentally altered the market. This utterly useless study is repeatedly cited as proof that advertising causes teen smoking. This kind of thing would not happen in an ordinary intellectual environment.

Sometimes, history has been rewritten. Despite what the FDA says, the discovery that people smoke to get nicotine is not new, and neither is the fact that manufacturers strongly influence the amount of nicotine in cigarette smoke. In the late 1960s and early 1970s, maintaining adequate nicotine levels in low-tar cigarettes was widely believed to be the key to progress against the diseases caused by smoking. This belief—which originated with public-health scholars, not the tobacco industry—was so pervasive that Consumer Reports declared in 1972 that "efforts should be made to popularize ways of delivering frequent doses of nicotine to addicts without filling their lungs with smoke."

The National Cancer Institute and the Department of Agriculture maintained a large program devoted to developing improved strains of tobacco (containing more nicotine). A biotech firm hired by a tobacco company to cultivate one of those variants in South America (to avoid growing it in the United States) was recently accused of criminal behavior for doing so in violation of a law that was repealed in 1991. Amazingly, the FDA regarded this episode as a prime justification for regulating the tobacco industry. Again, this kind of thing would not happen in an ordinary intellectual environment.

Clearly, the new strategy of attacking the tobacco industry rather than smoking is producing little if any benefit. The costs, on the other hand, are large and growing.

First, there are costs to public health. We are abandoning the only approach to smoking-reduction that is likely to succeed: reliance on individual responsibility. This point was eloquently stated by a George Washington University physician, Larry H. Pastor, in a letter to the editor of the *Journal of the American Medical Association* in 1996. Describing the dubious proposition that tobacco litigation will make people quit smoking, Pastor noted that exactly the opposite could easily happen,

> because some smokers will feel reinforced in externalizing blame onto "the tobacco industry" and thereby fail to take the difficult steps necessary to confront their smoking addiction. The more such personal injury litigation succeeds, the more some will comfort themselves with the rationalization that, if they develop tobacco-related illness, they can sue the cigarette makers and obtain a lucrative reward.

The strategy of blaming the industry for smoking is getting in the way of efforts to discourage smoking itself.

Second, there is the matter of who will pay the higher cigarette taxes. A hallmark of the U.S. market is that most smoking is done by people of modest means. And the idea that smokers impose financial costs on others has little foundation. To say that blue-collar smokers should pay more for their habit because they cannot protect themselves from manipulation by the tobacco companies—and then watch them continue to smoke while the nation collects billions of dollars from their pockets to spend on other citizens—is a sorry combination of paternalism and hypocrisy. Perhaps these smokers should simply be allowed to pursue their freely chosen course without financial penalty. At any rate, with teens buying only about 2 percent of the cigarettes sold, we know that a massive tax increase designed to stop teen smoking will be paid almost entirely by non-teens, most of them poor or lower-middle class.

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The third cost of the new approach lies in the danger of creating a government stake in continued smoking. The Clinton administration wants to raise cigarette taxes so it can transfer tens of billions of dollars from smokers to its favorite domestic-policy initiatives. Far more dangerous than a mere tax-grab, this plan will work only if most smokers continue to smoke and pay the higher taxes. The public-health community should renounce any such plan. The history of the anti-smoking movement makes clear that the toughest places in which to make progress are countries like Japan, Thailand, and China—that is, nations with a large state investment in smoking.

Fourth, as the new approach is applied to products other than tobacco, it will be hugely disruptive—and it cannot easily be confined to tobacco. This is so for three reasons. (1) The underlying principle, that marketers are responsible for the behavior of anyone who buys their products, is indiscriminate. It is not intrinsically more relevant to tobacco than to, say, automobiles, alcohol, or red meat. (2) The tools of the new regime are too tempting. They operate by combining political opportunism with the legal means for extracting financial payments. Once launched, the process is self-perpetuating. The plaintiff attorneys who are engineering today's mass tobacco litigation honed their skills in asbestos litigation, and they are eager to move on to other arenas. (3) These methods and tools are not easily dismantled. They are greatly prized by the litigation community, advocacy groups, politicians who like to spend taxes, even academics in search of funding. Wresting such valuable tools away from those who have become accustomed to using them could be very difficult.

Finally, the new approach to tobacco carries the cost of degrading the intellectual environment. This is no trivial matter. The public-health community's power depends on information, credibility, and the consequent ability to persuade. That power can be dissipated if it is carelessly misused (as it has been), and once lost, it cannot easily be regained. As journalist Carl Cannon noted, after describing some grossly untrue statements from the White House during the debate over tobacco legislation in the Senate, "The problem is that in employing the devilishly effective—but not always truthful—language of political campaigns, the good guys risk losing the moral high ground." Deception is not—at least should not be, in a free society—a viable long-run strategy.

The time has come, then, for public policy toward tobacco to return to its roots. The only effective way of combating the harmful effects of smoking in the long run is to encourage an enduring sense of personal responsibility—among smokers, their families, and physicians. But that's not all. Two decades of an absurd hostility to safer smoking and safer tobacco must end. We have forgotten that in the 1950s, the pronouncements of cancer researchers created a demand for cigarettes with less tar and nicotine, and the cigarette manufacturers responded with a speed that in hindsight seems miraculous. Today, instead of talking about draconian taxes and sweeping infringements on commercial speech, we should let the competitive market again serve smokers—just as it does everyone else. ♦

The Vanity of Diversity

By Michael Greve

Robert Berdahl is profoundly unhappy about the demise of racial preferences for admissions to the University of California. The lower enrollment of black students, Berdahl complains, "diminishes us." The royal "us" is Berkeley, the prestigious University of California campus over which Berdahl presides. His lament illustrates a curious twist in the civil-rights debate: Affirmative action is no longer defended for promoting racial equality, or minority rights, or equal opportunity for disadvantaged individuals. The defenders of affirmative action now rest their case on *institutional* needs, especially the purported needs of elite universities.

The groundwork for this defense was laid by the Supreme Court 20 years ago in Justice Powell's opinion in the *Bakke* case, the high court's first substantive ruling on "reverse discrimination," and the first

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ruling to invoke "diversity." Powell's opinion permitted universities to use preferences (though not quotas) in their admissions procedures to ensure a racially diverse student population. The opinion described the "compelling" diversity interest as an institutional privilege. However, Powell's "diversity" was plainly intended as a rationale to sustain race-based entitlement programs that could no longer be justified as remedial compensation for past discrimination. Though not a minority right, diversity was seen as a way for the institution to do good *for black students*.

Now, two decades later, institutional concerns have come to be viewed as ends in themselves. We must have racial preferences, the argument goes, so that elite colleges may remain racially "diverse"—irrespective of what good, if any, racial preferences may do for the favored students themselves.

The preoccupation with institutional needs is most pronounced at elite universities in Texas and California, where the law now prohibits racial preferences in student admissions. At the University of Texas, racial preferences were banned by a 1996 appeals-court decision, *Hopwood* v. *State of Texas*. In May of this year, the University of Texas regents authorized a second attempt to persuade the Supreme Court to overrule the *Hopwood* precedent. Because of *Hopwood*, the university now complains, "institutions in the state of Texas are at a competitive disadvantage in the recruitment of [minority] students." In other words, the University of Texas deserves to use racial preferences not because black and Hispanic Texans can no longer obtain a first-class education, but because they *do* obtain a good education—elsewhere, and on better terms.

The same mindset is in evidence at Berkeley and at UCLA, where colorblind admission practices were mandated by the 1996 ballot initiative known as Proposition 209. Enrollment of black and Latino students at the two elite campuses has since fallen roughly by half. While substantial, this drop corresponds to higher minority enrollment at other, less demanding institutions in the University of California system, such as Riverside. The scholars Stephan and Abigail Thernstrom have argued that this shift may be a blessing in disguise. Many students who used to be quota-ed into the two flagship colleges predictably flunked out. (The drop-out rate among black Berkeley students enrolled before Proposition 209 was an appalling 42 percent.) Now, under colorblind admission norms, minority students, like white students, are sorting themselves into institutions from which they are likely to graduate.

UCLA professor James Q. Wilson has observed that "what happens at Berkeley and UCLA is not a measure of the college opportunities open to people." Instead of obsessing over the racial makeup of a few elite campuses, Wilson suggests, we should examine the enrollment decisions of California's minority students. Such a study would likely confirm the Thernstroms' suggestion that the demise of racial preferences hasn't deprived a single black or Latino student of the opportunity to pursue a higher education commensurate with his or her talents and ambition. In part, this is so because competitive schools outside California and Texas continue to administer preferences. But even if racial preferences in admissions were outlawed across the country, qualified minority students would continue to be recruited like star quarterbacks.

The education establishment does not bother to dispute these observations. No defender of racial preferences has seriously responded to the Thernstroms' argument, and none is likely to pursue Wilson's research agenda. The existence—the *continued* existence—of ample educational opportunities for kids of all races ought to be a point of pride for a democratic society. But for the establishment, it counts for nothing—because, race-neutral admission practices fail to produce the desired color scheme at a few top-drawer institutions.

In an effort to disguise the naked pursuit of race for the sake of institutional vanity, some education leaders argue that racial diversity is essential to sound education. In the wake of highly publicized lawsuits over racial preferences in student admissions at their school, University of Michigan president Lee Bollinger and provost Nancy Kantor have defended racial preferences as a necessary means of preventing the university's "resegregation." "Encountering differences rather than one's mirror image," Bollinger and Cantor have written, "is an essential part of a good education. Race is educationally important for all students, because understanding race in America is a powerful metaphor for crossing sensibilities of all kinds."

The runaway rhetoric of this argument barely conceals its chilling implications: Black students—those admitted under preferences, and those who would have made it anyhow—are a public good. The University of Michigan deemed them worthy participants in an institutional experiment in racial integration. The institutional purpose trumps any individual's actual rights, interests, or preferences. The purpose, moreover, is not simply one educational model (among many others) that the University of Michigan has chosen to pursue. It is "essential" to *every*

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institution of higher learning. We are being asked to believe that no good education can be had at historically black colleges; that none was had at the pre-quota Ivys; that none can be had at state universities that, for demographic reasons, are predominantly white. Diversity-based race preferences, defended in *Bakke* as a permissible *option*, have metastasized into orthodoxy—a prerequisite of any education worth having, at any institution of higher education in the United States.

There is not a shred of evidence that a public policy of preferring some minority students under separate and lower standards facilitates education or racial integration, and the claim goes against all reason and experience. Mutual respect and understanding—the "crossing of sensibilities," as Bollinger and Kantor put it—require a credible presumption of equality. The public knowledge of dual standards erodes the purported benefits of preference-induced diversity.

For precisely this reason, colleges and universities used to treat their dual admission standards as a state secret. Public disclosures in the wake of Prop 209 and federal lawsuits have rendered this strategy impossible. But the establishment's dogmatic faith has remained unshaken. This faith is being urged and enforced day in, day out by the American Council on Education, the Law School Admission Council, the Office of Civil Rights, and a gaggle of accrediting and professional associations.

PUBLIC KNOWLEDGE OF DUAL STANDARDS ERODES THE PURPORTED BENEFIT OF DIVERSITY—SO COLLEGES USED TO TREAT THEM AS STATE SECRETS.

Harvard professor Nathan Glazer, a recent convert to the cause of affirmative action, has a more cynical, or, as he calls it, "realistic" perspective. He argues that we should permit racial preferences, though only for blacks and only in limited areas—foremost, in admissions to elite colleges. Glazer emphasizes the country's "special obligation" to blacks, imposed by "almost 400 years of slavery, followed by state-sanctioned discrimination," and he insists that the virtual absence of blacks from elite institutions would send a "message of despair." In explaining his change of mind on affirmative action, he mentions "unforeseen" realities—the collapse of the black family and the continued disintegration of inner cities.

But racial preferences cannot arrest (never mind reverse) social disintegration, and they can discharge the country's "special obligation" only in a symbolic sense. In other words, affirmative action is a placebo at best.

However, the placebo tastes extremely bitter. Once affirmative action is widely known to be a make-believe policy, its message isn't that elite institutions care about blacks but that they *pretend* to care. Perhaps the objects of their sympathies won't be able to tell the difference. But even on this demeaning assumption, the affirmative-action message is decidedly mixed. If different and lower standards for blacks—and, under Glazer's proposal, for blacks alone—signal concern, they also imply an assumption that blacks, alone among all ethnic and racial groups, cannot make it on their own.

Glazer states this premise with brutal candor in a recent article in the *New Republic*—and without any awareness that the candor vitiates the policy. Affirmative action was extended from blacks to other racial groups and to women in large measure so as to elevate affirmative action from a humiliating special-assistance program to a general principle—compensatory justice at first, then, starting with *Bakke*, diversity. The pretense that affirmative action is for *all* minorities—those who need it and those who don't—is essential to the policy.

The only constituency that wants the affirmative-action placebo is the higher-education establishment. Competitive universities fundamentally don't care that racial preferences are a make-believe policy. They want racial diversity for the sake of their own anxiety about appearances. During the *Hopwood* litigation, the University of Texas pointed to sustained discrimination in Texas elementary schools (including and especially districts that have been run for decades by federal judges) and argued that *therefore* the law school should be permitted to import two dozen black out-of-state students under preferential admission standards. There was no credible claim that this racial set-aside would do anything to remedy discrimination in the elementary schools of Texas, or that it was required for reasons of fairness and justice. Rather, the law school's spokesmen argued that the school needed minority students to be *perceived* as fair.

Image is everything. While aspiring to elite standards, the University of Texas, Berkeley, UCLA, and similar institutions lack the confidence to *be* elitist—or even to explain to the public (black, brown, or

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white) that meritocratic elite institutions, almost by definition, won't be representational by any measure, including race. Elite universities want an egalitarian veneer of minority students.

The exalted notion of the place of elite universities in American public life—the idea, as Glazer and others have argued, that Berkeley or Harvard *must* have a presentable number of black students because, otherwise, there goes American democracy—in the end arises from the fact that the leaders of our prestige colleges have no elitist convictions, only pretensions. Confronted with the specter of meritocratic "resegregation" under colorblind norms, selective institutions will preserve minority enrollment by compromising their standards. President Bollinger knows this: Already, the University of Michigan has effectively abolished the SAT test as a principal admission criterion.

The place of elite institutions—especially public elite institutions—in a democratic society is always somewhat precarious. Still, the diversity establishment's dire predictions of a fearful alternative if they are not allowed to maintain racial preferences—resegregation or institutional collapse—is a gross, condescending exaggeration. The muted public response to the resegregation jeremiads shows that, yes, the voters want diverse campuses, but not at the price of race discrimination. If a handful of elite campuses have fewer minority students than they think they should have, Americans will live with it. They do not believe that these institutions are remotely so important to American democracy, or that racial disparities at these institutions are remotely so devastating to blacks, as their leaders like to think. These sensible intuitions have failed to register with an establishment that views itself as a beacon of enlightenment in a sea of latent racism. Instead, elite universities extol their own importance and demand a special dispensation from the non-discrimination norms that apply to everyone else.

Among all our institutions, universities should be the last to receive such a dispensation. No other institution has done so much to inflame racialist passions. No CEO of a private corporation could survive the racial animosity, the self-segregation, the minority attrition rates, and the wallowing in identity politics that have come to characterize the nation's campuses. No other institution has so unctuously urged candor in the race debate—and so systematically concealed and lied about its own policies.

Up to a point, it turns out, we do exempt university leaders from the ordinary rules. To this day, elite universities insist that race is at most a minor factor in student admissions—in the face of incontrovertible evidence to the contrary. Were we to demand of university presidents the honesty and candor on diversity policies that we demand of, say, the management of Texaco, they'd all be in jail.

The institutional prestige of elite universities reaches far enough to avert such a spectacle. But it reaches no further. ♦

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Strangers in the Holy Land

The Decline of Christians in the Middle East

By Robin Darling Young

The early morning is platinum, even before sunrise in the arid uplands of eastern Turkey. And amid the hills, scrub oaks, and rolling miles of empty land stands St. Gabriel's—a monastery where the visitor may still hear the predawn chants of monks and nuns and the lessons of students learning the Syriac language of their forefathers. Pilgrimages have been made to this monastery since the fourth century, and down through the years, visitors have participated in the singing of all the 150 psalms that must be completed by each day's end.

Forbidden after the recent Kurdish conflicts in the Mardin province, pilgrimages no longer come to St. Gabriel's. No longer can the monastery be a stop for visitors traveling along the old path that leads from monastery to monastery throughout the former Byzantine and, later, Ottoman world. And with this latest quarantining of monks and nuns in the area known as Tur Abdin—the Mountain of God's Servants—a religious way of life that began well over a thousand years ago may at last come to an end.

St. Gabriel's case is not unique. Nearly all monasteries in the Middle East are threatened with closure, and their loss will be immeasurable. They are not merely the last outposts of the long-fallen Roman Empire, beachcombers' treasures cast up after the waning tide of its Ottoman successor. They are the last stations where Christian worship is still heard in the lands in which all three of the great Near Eastern, monotheistic religions were born. When the monks' voices fall silent, that worship will cease, and their habitations will become museums, barns, or ruins.

William Dalrymple
From the Holy Mountain
A Journey Among the Christians of the Middle East
Holt, 496 pp., $30

It is an awareness of the cost of such a loss that is missing from William Dalrymple's otherwise excellent travelogue, *From the Holy Mountain: A Journey Among the Christians of the Middle East*. Close to five-hundred pages long, with many maps and photographs, the book documents Dalrymple's recent tour of Eastern monasteries—from Mount Athos off the coast of Greece, down through Turkey, Lebanon, Syria, and across the desert to Deir ul-Muharraq in lower Egypt.

Dalrymple is only the most recent in a long line of tourists visiting the Eastern Christian monks, but he is a beguiling storyteller who had an interesting idea: Instead of merely compiling a study, he would follow more or less the path of a much earlier traveler who chronicled the monasteries just as the eastern provinces of the Roman Empire were being conquered by Arab armies and subjected to Islam. The story of the travels of a seventh-century monk so pervades the twentieth-century book that Dalrymple feels at last compelled to visit and venerate the grave of his forerunner in the monastery of St. Theodosius near Jerusalem.

John Moschos was that forerunner, and the book he wrote to record his travels is the *Pratum Spirituale*, or *Spiritual Meadow*. As he explains in the opening words of his book, he and his friend Sophronius discovered that coming upon the monasteries, filled with "the virtues of holy men," is like coming upon a spring meadow, filled with "the delight, the fragrance,

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The Monastery of St. Anthony in Egypt

and the benefit which it will afford those who come across it."

The birthplace of John Moschos (550-634?) is uncertain: Perhaps it was Damascus, perhaps Isauria, a wild region on the north slope of the Taurus mountains in southwest Turkey. Before he was eighteen he enrolled in the monastery of St. Theodosius and, seeking a stricter and more solitary life, moved to the monastery of Pharan near the Jordan and finally to the New Laura of Mar Saba in the desert west of the Dead Sea. It was political turmoil—and doubtless also their own wanderlust—that eventually drove Moschos and Sophronius on their monastic journey.

From 578 to 582, John went to the hermitages of the Thebaid in Egypt, the Great Oasis, and Sinai. After returning to Jerusalem to help consecrate the patriarch Amos in 594, he traveled with Sophronius through Palestine, visiting Ascalon, Scythopolis, and Caesarea Maritima. When Persian invasions appeared imminent in 602, the pair went to Syria and Cilicia, finding safety at last in Alexandria for twelve years, where they visited the monasteries of the Nile delta.

The year 614 was a turning point for Roman civilization in the eastern Mediterranean. The imperial armies of Persia plowed through Palestine and laid waste to its cities and monasteries. (Some of their victims' remains were discovered recently in a valley outside Jerusalem by developers building underground parking for a nearby condo.) Wisely setting sail for Rome with numerous Byzantine refugees, Moschos and Sophronius visited Cyprus and Samos along the way. John Moschos died in exile in Rome and entrusted the *Spiritual Meadow* to Sophronius, who preserved and published it.

In composing his book, Moschos followed a path well worn by previous monastic historians. Almost as soon as the monastic movement gathered strength in the early fourth century, it gained chroniclers. Moschos copied their methods, providing portraits of virtuous and miracle-working monks and relating anecdotes that incidentally reveal the vagaries of life on the eastern border: advancing barbarians in Judaea, gang warfare in Emmaus, the hazards of shipping in the waters off Alexandria. Along with Moschos' simple and often naive accounts, we learn much in his pages about the perennial eccentricities of everyday Christian practice. So, for instance, the baptism of a lovely Persian woman was postponed until the distracted monastic priest became blind to her beauty thanks to the intercession of St. John the Baptist. An icon in the hands of a lay woman solved the perennial problem of scarce water: After the failure of conventional methods of digging a well, she had an icon of St. Theodosius lowered into the shaft, and water flowed instantly.

Moschos was not alone when he heard all these anecdotes and bits of treasured gossip. His companion. Sophronius was trained as a rhetorician and eventually became the last patriarch of Jerusalem before the Muslims captured the city in 637, but his own literary style—in his overgrown panegyric on the martyrs Cyrus and John, for instance, or his twenty-three anacreontic odes on Christian feasts—contrasts badly with that of the *Spiritual Meadow*. Nonetheless, Moschos' devotion to the pompous Sophronius echoes throughout the book, and the love of the two friends counterpoints their perils and observations in a society visibly unraveling.

William Dalrymple, on the other hand, moved alone from monastery to monastery when he traveled in 1994 to find the remains of the Christian religious life in the area. He went not as a monk, but as a disciple of the historian Steven Runciman. Nonetheless, his book suffers from numer-

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ous inaccuracies, particularly where the ancient history of Christianity is recounted as background; and his attention oscillates between the politics of the region, which are observable by any journalist, and the boring persistence of monastic practices, which are hard to observe precisely because many of them are invisible and deliberately unchanging.

Unlike Moschos and Sophronius, Dalrymple was not initially inclined to believe stories of miracles and faith, nor was he a member of the Eastern Orthodox Church. He was, however, a Catholic, and he rediscovered intercessory prayer at the grave of St. John Moschos as well as finding rebuke among Moschos' Orthodox descendants. Moschos was buried where he began his ascetic life, at St. Theodosius' monastery—now inhabited by a single follower of the monastic life, a woman who had the grace to leave Dalrymple alone with the entombed body:

> Prompted by the example of the nun, . . . I began to pray there, and the prayers came with surprising ease. I prayed for the people who had helped me on the journey, the monks who had showed me the manuscript on Mount Athos, the frightened Suriani of Mar Gabriel, the Armenians of Aleppo and the Palestinian Christians in the camp at Mar Elias. And then I did what I suppose I had come to do: I sought the blessing of John Moschos for the rest of the trip, and particularly asked for his protection in the badlands of Upper Egypt, the most dangerous part of the journey.

Dalrymple got stiffer treatment from a monk at Mar Sabas who has not given up conceptions of a final judgment rich with rough justice and cinematic detail. When the monk, Theophanes, opined that the pope was a Freemason and idolater, Dalrymple gave him a graceful exit by admitting to being a Catholic. Theophanes was undeterred: "Then, unless you convert to Orthodoxy, you too will follow your pope down that valley, through the scorching fire. We will watch you from this balcony," he added, "but of course it will then be too late to save you."

Dalrymple is not privileged to possess the certainty of Theophanes, and this perhaps most of all sets him off from the author whose steps he dogs: Moschos, like Theophanes, believed in miracles and judgment. The chaos, corruption, and terror of a fallen world does not surprise such men. For Dalrymple, the life of the last monks in the Middle East has poignancy, but not, it seems, truth.

Nevertheless, Dalrymple does not travel without a certain respect and even reverence. He begins his account at Mount Athos, the largely Greek Orthodox monastic republic that is the "Holy Mountain" of the book's title. Although it was founded in 962, long after the original lands of Christianity were conquered by Islamic rulers, an ancient manuscript of the *Pratum Spirituale* is housed in the Iviron Monastery there, and so Dalrymple made it his jumping-off point, visiting the book first and Moschos' grave later.

All photos Henry Holt

The Basilica of St. Symeon Stylites in Syria

From Athos, Dalrymple began in earnest the journey that would take him over the territory traversed by Moschos and Sophronius, and indeed added to their itinerary by visiting the easternmost surviving Christian monasteries of Turkey: Deir el-Zeferan and Mar Gabriel on the plateau south of Diyarbakir. His setting out from the Pera Palas in Istanbul—"Like stepping into a sensuous Orientalist fantasy by Delacroix," as he puts it—establishes another difference: Dalrymple is constantly fascinated by the contemporary political and cultural circumstances of the countries whose monasteries he visits, and he talks to as many of the remaining lay Christians as he does to the monks who live apart from them.

But in Istanbul he notes, as he does in every location he visits, the perilous position of Christians who were formerly an accepted part of life in the Middle East. The political cataclysms beginning about a century ago have created a new world of nations where once there was a centrally administered Ottoman Empire, and, afterwards, semi-colonial states administered by the French in Syria and Lebanon, and the British in Egypt and Palestine. With the massacres of Armenians and Syrian Christians under the Turks, and the terrifying aftermath of Turkey's war with Greece, regions where the two faiths once lived as uneasy neighbors are populated now almost exclusively by Muslims, though certain Christian populations have stubbornly remained in lands that have been their home since the establishment of churches there in the first century.

Jews too lived in the nations Dalrymple visits, but after the end of the British Mandate in Palestine, most moved to Israel, removing another distinct group. The creation of the state of Israel and the inability to establish peace in the region is one contributor to Islamic resurgence. But Islamic militance is only the most recent threat to the Christian communities. The bloodbaths of the 1890s under the Red Sultan were the prologue to a century of ethnic cleansing in which the patchwork of

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Jewish, Christian, and Muslim communities has yielded to Muslim countries in which a few struggling Christian islands survive.

Mar Gabriel is one such island. Dalrymple heads almost directly for it from Istanbul, only to find a once-wealthy and flourishing establishment now under virtual siege. He had to leave almost as quickly as he came, and return to the relative security of Aleppo in Syria.

While in eastern Turkey Dalrymple heard the first version of the dreary prophecy of Christians everywhere in their native lands: Their days are numbered. With external pressures keenly felt, many Christians have understandably emigrated. Those left are weakened and discouraged, and sometimes threatened and slain (particularly in Turkey and Egypt). Their lifelines are financial support sent back from families working abroad and spiritual support from the monasteries, where Christian life continues in the cycle of prayer and custom shaped much as it always was.

In Turkey, the Syrian Orthodox cling to a few churches and proudly remember the three-year, armed resistance of the villagers of Ein Wardo to the slaughter beginning in 1915. But they have no illusions of international help. "The Christians of the West have never done anything for us," says one Syrian Christian. "The Turks help other Muslims if they are in trouble in Azerbaijan or in Bosnia, but the Christians of Europe have never shown any feelings for their brothers in the Tur Abdin." With the exception of relief efforts after 1918, when thousands of Armenian and Syrian Christian orphans were sheltered by Americans and Europeans, he is largely correct. The occasional small efforts of private citizens and religious groups do not weigh strongly against the bitter reality that Christians in the Middle East have been cast adrift by their coreligionists in the West.

Dalrymple visits Christian communities in Syria and Lebanon, where Maronite infighting contributed to the devastation of the civil war. He goes to Israel, first to the north and then to the area south of Jerusalem, where Moschos and Sophronius met and conceived their journey. He ends in Egypt, where there are martyrs created annually by the Islamic Brotherhood and the weak response of the government.

Not only did monasticism begin in Egypt, but one of that country's first monks was also the most famous: St. Anthony, whose biography inspired many imitators in the early days of the monastic movement. Dalrymple visited the monastery that bears St. Anthony's name, though by the time he arrived in Egypt, Dalrymple was obviously travel-weary. He continued to listen, however, and recorded a valuable conversation with a priest in the Coptic monastery. Father Dioscurus told Dalrymple about the attraction of the monastic life:

> It is never easy, but with practice I find it less difficult. The spiritual life is like a ladder. Every day if you are disciplined and make the effort you find you will rise up, understand a little better, find it a little easier to concentrate, find that your mind is wandering less and less. When you pray alone in your cell without distraction you feel as if you are in front of God, as if nothing is coming to you except from God. When you succeed—if you do manage to banish distractions and communicate directly with God—then the compensation outweighs any sufferings or hardships. You feel as if something which was dim is suddenly lighted for you. You feel full of light and pleasure: It is like a blinding charge of electricity.

The love of place and love of God are the forces preserving the tenuous life of the Christian monasteries of the Near East.

A teacher in the school at Mar Gabriel once said something quite similar of the deserted land visible beyond the monastery's high walls. "Here there is the life of my people for centuries, here are the places where we have lived, and here is where we have to be. I feel it pulling me, and I could not leave." That was thirteen troubled years ago, and still the monks and nuns are rising before dawn to begin their psalms and continue the hard work of supporting a fortified monastery in a hostile land. Dalrymple has recorded their labors, and those of their brothers and sisters all the way south to Egypt; his pages are their witness. ♦

The Return of Segregation

How the Civil Rights Movement Lost Its Way

By Vincent J. Cannato

In 1968, the National Advisory Commission on Civil Disorders, headed by Illinois governor Otto Kerner, released its report on the race riots plaguing American cities during the 1960s. The *Kerner Report*'s introduction, written by aides to the commission's vice chairman, New York mayor John Lindsay, warned that America was "moving toward two societies, one black, one white—separate and unequal." If steps weren't taken, we would see "the continuing polarization of the American community and, ultimately, the destruction of basic democratic values." The report's implication of white society in the plight of the ghetto and its rec-

Vincent J. Cannato, who lives in Weehawken, New Jersey, is writing a book about New York mayor John Lindsay.

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ommendations for massive federal action to redress racial inequality have formed the core of liberal thinking ever since.

Thirty years later, Tamar Jacoby has written a new study, *Someone Else's House: America's Unfinished Struggle for Integration*, with a similar observation of the polarization of the races. Yet her explanation of how we arrived at our predicament and her prescriptions for how to escape are exactly the opposite of the *Kerner Report*.

A journalist and former editor of the *New York Times* op-ed page who has written for *Dissent* and *Newsweek*, Jacoby is now a fellow at New York's Manhattan Institute. What makes her book so novel and valuable in the present discourse on race is that she dissents from the conventional morality tale, represented by the *Kerner Report*, that blames white racism exclusively for our racial ills. She occupies a narrow strip of intellectual terrain in the race debate with such like-minded contrarians, black and white, as Stephan and Abigail Thernstrom, Stanley Crouch, Fred Siegel, Orlando Patterson, Jim Sleeper, and Shelby Steele.

Jacoby takes seriously America's uneasiness with the current state of race relations, arguing that the nation has lost the integrationist moorings that informed the early civil-rights movement. But rather than simply rehash the tired litany of recent racial controversies, she takes the reader on a journey through the tortured history of race relations over the last thirty-five years in three cities: New York, Detroit, and Atlanta.

If only "we could learn from these years of mistakes," Jacoby believes, we could still "achieve real integration." In each of her three case studies, she examines how political, business, and community leaders handled the growing demands for equality from the black community—from the early days of the civil-rights movement with its narrow window of racial goodwill, through the age of Black Power, and on to the confused situation of today.

Tamar Jacoby
Someone Else's House
America's Unfinished Struggle for Integration
Free Press, 720 pp., $30

Each city's tale is distressingly similar in Jacoby's account. What she finds is that for many years we have pursued integration with flawed means. "Wholesale social engineering, color-coded double standards, forced interaction between people who are not social or economic equals; one after the other, the old stratagems have proved bankrupt or worse."

The dream of integration was lost, according to Jacoby, when Mau-Mauing black militants with separatist dreams and incendiary rhetoric obtained the support of wealthy white liberals. "So many of the mistakes of the past," she argues, "can be traced to feckless leadership, race-mongering demagogues, patronizing civic elites, would-be racial healers who confused compromise with appeasement and ended up creating standoffs instead of helping people listen and reach out."

And she names names, taking to task liberal elites in each city: Mayor Lindsay and the Ford Foundation's McGeorge Bundy in New York; the New Detroit Committee founded by businessman Max Fisher, Henry

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Ford II, and department-store owner Joseph Hudson; and Atlanta's business community. In each case, men with little knowledge of the local black situation set out with the best of intentions to atone for America's racist past.

Jacoby describes how these men, listening earnestly to black militants, poured money into the inner city to support affirmative action, create experiments in the schools, and build white-elephant projects like the Renaissance Center in Detroit—all in the name of racial healing. They excused often inexcusable behavior by blacks, and when they were finished, they found to their astonishment that things had gotten only worse.

Jacoby also criticizes the blacks who rejected integration: Brooklyn CORE's Sonny Carson; Detroit judge (and later congressman) George Crockett; Detroit mayor Coleman Young, who built a political career playing on the mistrust of black Detroit towards the white suburbs; and Atlanta mayor Maynard Jackson, who pursued the same course as Young, though with greater subtlety.

One example from Jacoby's narrative sums up the attitudes and policies that helped poison American race relations. Late one night in 1969, two white policemen approached a group of armed blacks outside the New Bethel Baptist Church in Detroit. No one knows exactly what happened next, but when the dust settled one officer was shot dead (with his revolver still in his holster) and the other seriously wounded. When more police responded to the shooting and entered the church, more shots were fired. Eventually 142 people were arrested. Early the next morning, Judge Crockett arrived at the jail, set up an impromptu court, and released all the prisoners. An uproar ensued over this extra-legal maneuver, splitting apart black and white Detroiters.

In many cities, political and business leaders put a premium on mollifying the black community in order to prevent further riots. Members of the New Detroit Committee were understandably fearful of another riot like the one that devastated the city in 1967. So, bedeviled by visions of burning and looting, Max Fisher publicly condoned Crockett's action and threw the weight of Detroit's business community behind the judge. Though the controversy eventually subsided, the incident had wide repercussions. Whites not only saw a racial double standard, but were deemed racists for objecting. In addition, the New Bethel incident demoralized Detroit police at just the time crime rates were beginning to skyrocket.

WHAT BEGAN AS GENUINE ATTEMPTS AT INTEGRATION PRODUCED THE DISMAL EFFECT OF COLOR-CODING.

The result of this alliance of white liberals and black radicals was dismal everywhere. Public schools declined, crime increased, and the fiscal health of cities faltered. The white middle class continued to leave the city for the suburbs. Blue-collar white ethnics, long the core of the Democrats' New Deal coalition, bore the brunt of the social engineering of the liberal elite and grew embittered at the charge of racism hurled at them from their social betters. By the 1970s, race relations were worse than ever.

Frustration at the intractability of race in America sometimes leads Jacoby from uneasiness to downright pessimism. In her concluding chapter, she is torn between grudgingly recognizing the progress made over the last thirty-five years and ruefully noting that "the more things change, the more familiar they seem." Many of the programs Jacoby rightly condemns—busing, affirmative action, placing low-income housing in middle-class neighborhoods—were not originally the work of racial separatists but genuine attempts at integration. They ended up, however, having the debilitating effect of color-coding. The reader who follows Jacoby to the conclusion of her analysis may finally doubt that there is any remedy in a free society.

And yet, despite such contemporary phenomena as the O. J. Simpson trial and Louis Farrakhan, there are reasons for hope. Recent Supreme Court decisions and California's Proposition 209 have begun to weaken the hold of affirmative action. Cities across the nation have begun to reverse their decline. New York mayor Rudy Giuliani has made the slogan "One City, One Standard," his rallying cry. Detroit, the most desperate of the three cities, now has a moderate, pro-business mayor in Dennis Archer. And while some segregation in housing and jobs still exists in Atlanta, many black Atlantans enjoy freedom and prosperity of which their parents and grandparents living under Jim Crow could only have dreamed. Interaction between the races is more frequent and closer to equal than at any other time in our history.

And there is even another positive though insufficiently appreciated sign in race relations: the existence of books like Jacoby's. With its extensive research and measured prose, *Someone Else's House* shows that it is possible to reject in an intelligent way the destructive policies of the last thirty years—without succumbing either to the racist practices of the distant past or the threat of being called a racist by today's racial activists.

If the *Kerner Report* represented an era of racial mistrust and separation, Jacoby's book embodies the kind of moral and intellectual honesty necessary for us to begin seeking new solutions. ♦

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The Jew as Artist

Chaim Soutine on Display in New York

By David Gelernter

Any man who has the capacity to make art also has the capacity to destroy it, and Chaim Soutine (1893-1943) was a master-artist of destruction. Successful artists are usually high-pressure, steam-driven personalities. When such people get angry at their work, they hit hard. Thus Michelangelo smashing his sublime Florence *Pietà* with a hammer, Cézanne slashing canvases with a knife, Giacometti burning drawings by the fistful and slamming clay figures to the ground.

But Soutine is the extraordinary, puzzling artist who seems to destroy his canvases in the act of making them. He was a champion annihilator of his own paintings (he burnt, slashed, and overpainted them); the ones that survive bear the scars of a knock-down brawl with their creator. It is not surprising that he wanted to be a boxer if he couldn't be an artist.

His paintings range from vehement to wild. Large heavily loaded brushes hit the canvas like crash-landing airplanes and go plowing, skidding forward at top speed. (Sometimes he would toss a brush aside after one stroke. His studio floor was littered with discards.) His images look as if they had been bashed by a wrecking ball or warped by an enormous magnet.

In his striking *Red Stairway at Cagnes* (c. 1923), a stairway running upward and spiraling inward pulls the adjacent houses and trees towards it; at the top, a house and chimneys bend like palms in a hurricane before a force so powerful, it twists the sky out of shape. The colors—vermilion surrounded by ochres and browns, yellow-greens and green-blues—are not harmonious but form a memorably dissonant chord. Looking at this painting is like staring into a tornado. It is a piece of organized violence.

Soutine's Self-Portrait, *c. 1918*

Now playing at the Jewish Museum in Manhattan is the first big Soutine retrospective in America since the late 1960s. It opened on April 26 and will remain in New York through August 16, after which it travels to the Los Angeles County Museum of Art and the Cincinnati Art Museum.

The show isn't easy to look at or figure out. Three paintings struck me as first-class masterpieces, and a dozen or so others are thoroughly extraordinary. But the only way Soutine knew how to paint was at the top of his lungs, and the unmodulated fortissimo gets on a person's nerves. The other several dozen paintings in the show are partial successes at best. They are never trivial or conventional, but very few people would give such pictures a second glance if they were not by Soutine.

His masterpieces, however, rank among the century's memorable images, so original and violent they are stunning and sometimes shocking: *Hill at Céret* (c. 1921), for example, where a hill, house, and sky are built out of twisting, writhing brushstrokes and every molecule screams simultaneously. The idea of building static objects out of swarms of electrified brushstrokes suggests van Gogh, but Soutine operates at a completely different pitch of hysteria. The emotional tone is darker than anything in van Gogh, dark as Kafka; the picture is possessed. Soutine's pictures of animal carcasses are famous, and the subject suits him down to the ground: For a man whose pictures seem to be caught in the act of self-destructing, a decaying carcass is the perfect model. But *Head and Carcass of a Horse* (c. 1923), the finest of the series, is startling because it is gorgeous—a storm of red and golden swirls like the surface of a seething star, with no hint of blood or gore or death.

There are other extraordinary

David Gelernter is a contributing editor to The Weekly Standard.

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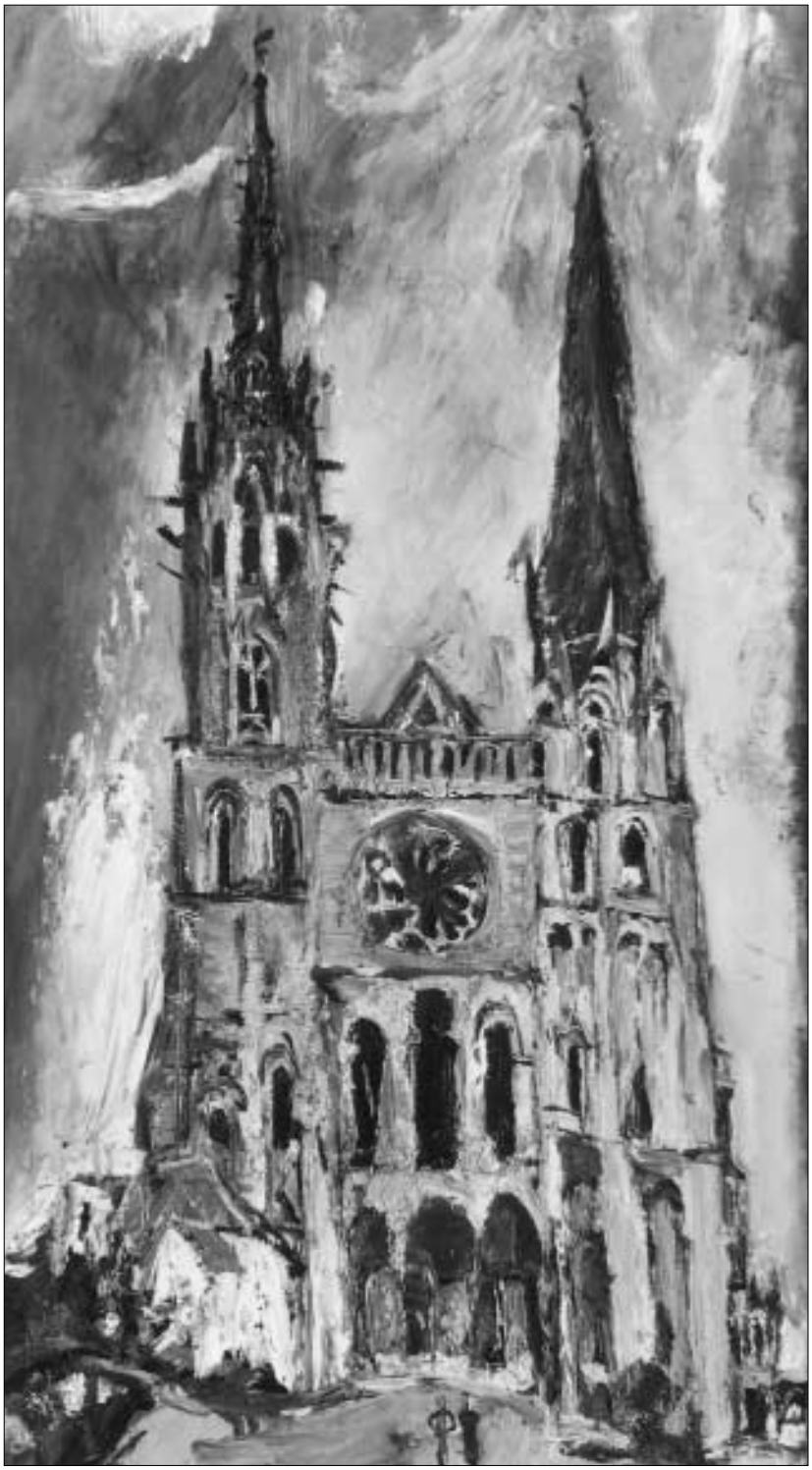

Chartres Cathedral, *c. 1934*

images here too: Chartres cathedral, for example, caught in a 1934 painting as if by strobe-camera just as it is about to leave the ground.

The failed pictures are mostly a matter of the artist caroming out of control. In a painting like *Les Gorges du Loup sur Vence* (c. 1920), the lines are messy and indistinct and the colors muddy, with no grace and no force. Soutine's tendency to be out-of-focus extends into many areas. To convert the bloody mess of a carcass into a beautifully colored tour de force requires an odd sort of detachment, a failure (in this case turned to advantage) to connect emotionally with the subject. But the same disconnectedness can be disastrous. The portrait of Emile Lejeune, for example, is typical of Soutine's worst portraits: The sitter looks—not to put too fine a point on it—dopey.

Soutine the artist is the test-driver who takes every curve too fast and spins out three-quarters of the time. Most of his paintings fail. But when he succeeds, the result is a memorably exhilarating ride. His paintings seem like the results of a remarkable experiment: What if an artist were to strip himself of all technical expertise? To put aside everything we have ever learned about line, color, and composition, and approach his subject on the basis of sheer will? Soutine paints with less guile and grace than the average child, but with a colossal, adult-sized will. I don't know how he managed it, but it is an amazing feat.

Of course, technical competence, while it allows painters to win artistic battles and make good images, also in a sense hems them in. Stripped of all armor and weaponry a warrior is defenseless, but free and unencumbered as well—free, if he has it in him, to put on a spectacular show of will power and go down in stunning style.

Soutine was a Lithuanian Jew who settled in Paris at age eighteen in 1911. When the Nazis took the city in 1940, he fled to the countryside, moving from town to town to avoid detection. His stomach ulcers got worse, but he was afraid to seek treatment; when he went at last to a Paris hospital in August 1943, it was too late. He died that same month, murdered indirectly by the Nazis.

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It is thus inevitable that talk about Soutine confronts the grand old questions of Jewish art: whether it exists, and, if it does, what it is. These are important issues, especially today, when intellectuals tend to see groups instead of individuals—and to understand groups only in terms of the worst disasters they have suffered or inflicted. This is a bad approach, as some of the essays in the Jewish Museum's catalogue for the Soutine show demonstrate.

Art historians have long worried about whether the Jews' "relatively modest visual art tradition" (as Kenneth Silver puts it in his catalogue essay) is an obstacle to Jewish artistic accomplishment. The question has even been raised, at times, by Jewish artists themselves—but it is outlandish all the same. The evidence has been clear for the last century: Hard as it may be for moderns to accept, family and region of birth count vastly more than group memberships, even for Jews. Modigliani, for example, was a Jew from Italy, Cézanne a Christian from southern France. Cézanne inherited the richer "visual art tradition." But Modigliani's education was supervised by his highly cultivated mother, and he studied art in Florence and Venice. Cézanne grew up in the rural backwater of Aix-en-Provence, and devoted himself as a young man to making "excruciatingly faithful copies" (as John Rewald puts it) of hackwork paintings by Dubufe and Frillie. Who had the "artistically richer" upbringing?

In Soutine's time, Cézanne was regarded as quintessentially French; such artists as Soutine were advised to learn "moderation" from Cézanne. But Cézanne's artistic evolution was shaped in part, in the crucial early years of the 1870s, by a Jew—Camille Pissarro. "We are perhaps all derived from Pissarro," Cézanne once said. Cézanne in turn shaped twentieth-century art to a greater extent than any other of its forebears. Does that put "Jewish art" at the inner core of modern painting?

Jewishness is an important topic of study, but the study has to be done carefully because the facts are complicated. Donald Kuspit demonstrates in his catalogue essay how to take a wrong turn and crack up. Kuspit's theory is that Soutine's paintings express "a spontaneous, massive shudder at the folly of his Jewish existence and Jewish existence as such"; "Soutine's shudder is a sublimation of the trauma of being born a lowly shtetl Jew and becoming an absurd Jew—not a real Jew—by becoming a painter." (Kuspit is referring to the fact that Orthodox Jews—unlike, say, Ohio Presbyterians?—disapprove of art as a career.)

All photos The Jewish Museum, New York

Still Life with Herrings, *c. 1916*

It is a nice question whether Kuspit's theory rises to the level of nonsense. After all, people "shudder" (with revulsion or disgust or nausea) when they are overcome by a thing's unpleasantness. But it is one of Soutine's most striking traits *not* to shudder when a normal man would. Who else could have been inspired to make a lyrically beautiful picture by a butchered horse? One day, when a dead cow he was painting started to dry out and lose color, Soutine sent his assistant to a slaughterhouse for a bucket of blood to splash on the carcass—which perked right up like a potted geranium. Soutine was bizarrely resistant to shuddering. Nor is "shuddering" any kind of Jewish characteristic. Nor does Kuspit present any evidence that it is.

A visitor to the Jewish Museum's show is left, nonetheless, with the nagging feeling that there *is* something Jewish about Soutine's art. I have a theory that fits the facts better than Kuspit's, but is just as speculative. Although Jews have no special propensity to "shudder," they do have a long tradition of fighting with God. The word "Israel" is said to mean "struggler with God," and fights between God and man are profoundly important in the Bible and Talmud—far more so than most modern readers understand. For Soutine, roughly speaking, art was god.

The show on balance is a first-rate accomplishment. There are good essays in the catalogue—Ellen Pratt's technical study of the paintings, for example, and Romy Golan's discussion of Soutine's posthumous reputation in France—as well as silly ones. Most important, these pictures deserve to be seen, and the Jewish Museum is a good place to see them. They help illuminate the remarkable Jewish achievement of modern times, which constitutes in turn a kind of public service.

Jews will never come to grips with their bad accomplishments until they have a better grasp of their good ones—and it is important that they grapple with both. Jews and Jewish ideas are intimately entwined with the creation of the modern world in all its splendor and tawdriness. We will never understand the paradoxical essence of culture today until we understand how Jews and the Jewish experience shaped it. Despite all the words about Jews that get cranked out annually, this understanding remains largely beyond us. Wrestling with Soutine's art is refreshing, illuminating, and good training for the big bout to come. ♦

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After *U.S. News* editor James Fallows announced that the magazine's owner Mortimer Zuckerman had fired him, Zuckerman deputy Harry Evans went out of his way to tell reporters that it was he, Evans, not Zuckerman, who had fired Fallows. —*News item*

From the Desk of Harry Evans

Assistant to Mortimer Zuckerman for Publications
Zuckerman Enterprises
37 Zuckerman Way, Zuckup, New Jersey 12234

I am releasing this statement to respond to the vicious gossip going around that I am not in control, not making the important personnel decisions. I would like to reiterate that it was I alone who fired Jim Fallows from *U.S. News & World Report*. Gave him the old heave-ho. In fact I was so pumped up from dumping Fallows that I came home and fired my wife, Tina Brown, from her job at the *New Yorker*.

The decision to push out Tina was mine alone. Condé Nast CEO Steve Florio had nothing to do with it. In fact, if you ask him, he will tell you he was busy that day playing minor league baseball, coaching the NYU football team, attending a reunion for Marines who stormed the sands of Iwo Jima, and completing his doctorate in neurosurgery. I walked into the kitchen that evening where Tina was busy reading *Soap Opera Digest*, and I lowered the boom. She wept, of course, but that is nothing to a powerful media mogul like me.

On a more personal note, I'd like to say how happy I am to announce that, after flirting with Miramax, Tina will be taking over the helm at the *National Journal*, whose former editor Stephen Smith left to take over *U.S. News* from Jim Fallows (whom I really did fire). Tina is looking forward to a new set of challenges, and I'm sure many of you will be waiting for her first issue (it'll be the one with a risqué Robert Reischauer on the cover and Roseanne Barr's fascinating look inside the General Accounting Office). Tina is also excited to be planning a double "Disgraced Journalists" issue, featuring some wonderful pieces. For example:

*Stephen Glass on the secret cult that worships S.I. Newhouse.

*The transcripts and hidden-camera photos of a one-on-one interview Bill Clinton gave to former *Time* correspondent Nina Burleigh on his titanic struggles to keep abortion legal. (Readers will be invited to enter a special contest for a premium gift, "Nina's Kneepads.")

*CNN's Peter Arnett will byline an article that he did not report, did not write, and should not be held responsible for.

*Former *Boston Globe* columnist Patricia Smith will reveal that she is the long lost daughter of S.I. Newhouse.

*Tina will also take her first look at the federal budget, with an editorial headed "What's so bad about running a deficit?"

You'll be able to read all about this in the *New York Times*, whose owners have personally assured me that they will continue to follow the principle that all the news about Tina must be printed above the fold on page 1.

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